THE STRANGE CASE OF MARK CURTIS:

VICTIM OR VICTIMIZER?

By Fred Pelka

Five months after Mark Stanton Curtis was arrested in Des Moines on charges of sexual abuse and burglary, Detroit Mayor Coleman A. Young sent a letter to the authorities in Iowa charging frame-up and police brutality.

"As an early union organizer," Young wrote on August 18, 1988, "I am concerned that Mr. Curtis may be being harassed for his political beliefs rather than fairly investigated and brought to trial for actual criminal activity."

Young's letter was one of hundreds sent to Des Moines that summer on behalf of Curtis, a 29-year-old-member of the Socialist Workers Party (SWP) and an employee at the local Swift meatpacking plant. It echoed a Detroit City Council resolution which stated there was "no evidence" that Curtis beat and raped* a 15-year-old African-American girl in her home on the night of March 4, 1988, and referred to "a brutal attack" on Curtis by "law enforcement officials" of Polk County.

It isn't often that the government of one American city accuses another of holding and beating a political prisoner. So the retractions, when they came, were even more startling.

"I've done some checking on my own," wrote Detroit Councilman Mel Ravitz, in a letter to the victim's father, "and have concluded that it is improbable that Mr. Curtis was framed." Councilmen John Peoples and Nicholas Hood also wrote personal letters of apology for their support of Curtis.

The Socialist Workers Party has devoted an enormous effort to the Curtis case in the three years since his arrest. It has gathered endorsements from more than 8,000 political activists and organizations around the world and raised, by its own estimate, $150,000 in living room and union hall fundraisers, and by working the crowds at peace and prochoice rallies across the country. Past and present Curtis endorsers include Ed Asner, Congressmen John Conyers and Ronald Dellums, Angela Davis, the Rev. Daniel Berrigan, Detroit Bishop Thomas Gumbleton, several chapters of NOW, the national chair of Sinn Fein, and members of Parliament and the African National Congress.

But while endorsers around the world see Mark Curtis as a champion of civil rights, his defense committee in Des Moines is picketed by the National Black United Front. While Curtis claims he was framed because of his fight for undocumented Latino workers, activists in the Des Moines Latino community say they never heard of him until his arrest. While his supporters contend Curtis was prosecuted as a warning to labor organizers everywhere, his own union refuses to endorse the effort to free him. And while feminists from North Carolina to Great Britain write letters of support, counselors at the rape crisis center in Des Moines insist on his guilt, and accuse his defense committee of harassing a teenaged rape victim.

Critics charge the Socialist Workers Party with perpetrating a hoax that is rapidly becoming an embarrassing cause celebre. Feminists in particular charge that the success of the Curtis Defense Committee in winning financial and political support reveals a deep streak of sexism among progressives, and an ignorance of the realities of rape. What does it mean, they ask, when so many "politically correct" people are willing to

[*Note: *The rape survivor's last name has been changed to protect her confidentiality.*]

Curtis, at his sentencing, flanked by prosecutor (left) and his attorney.

PHOTOS: BOB NANDELL / COURTESY: THE DES MOINES REGISTER

take, at face value, the word of a white man convicted of rape over that of his Black victim?

The case against Mark Curtis rests on the accounts of two key witnesses, 15-year-old Demetria Harris and her 11-year-old brother Jason. According to their testimony, they were home alone on the evening of March 4, 1988, watching TV, when there was a knock at their door. When Demetria asked who it was, a man answered "Mark." Thinking it might be their big brother Mark, Demetria opened the door to see a "tall and skinny" white man standing on the steps outside their enclosed front porch, asking if "Bonita or Keith" were there, if this was 1545 1Xth Street. The Harris home is at 1529 1Xth Street — just a few houses down. When Demetria told him he had the wrong address, the man asked if her parents were home. Jason, getting bored, went back into the house to watch TV. That's when "Mark" pushed his way onto the porch.

"He closed the door behind him," Demetria told the jury, "and he told me — threatened, he said, 'I have a knife. I'll hurt your brother and you if you don't cooperate.'"

Demetria struggled, until "Mark" began punching her in the face and head. Jason, hearing the struggle, came to investigate. Opening the door a moment he saw "Mark" on top of Demetria. Jason went back into the house, armed himself with a kitchen knife, took the phone as far from the porch as he could, and dialed 911.

"This man is raping my sister," he told police dispatcher Kim Manning. Manning logged the call into her computer at 8:51 PM. She then radioed officers Joseph Gonzales and Richard Glade, parked nearby. The officers arrived two minutes later, pulled up silently. They walked to the front door and knocked.

"Mark" put his hands around Demetria's throat, "and started choking me, and told me not to say anything." Gonzales and Glade pushed through the door, and "Mark," his pants down around his legs, took off into the back of the house. Demetria, nude from the waist down and bleeding from the face, told Gonzales, "He just raped me."

The assailant was cornered in a back bedroom, where, his pants still down around his legs, Mark Stanton Curtis was handcuffed and read his rights.

Demetria positively identified Curtis at her deposition as the man who assaulted her. She and Jason both repeatedly identified him at the trial. Officers Gonzales and Glade identified him as the man they arrested at the Harris house on March 4. Kim Manning testified as to the time the 911 call came in from Jason. The tape of Jason's whispered message was played to the jury. Dr. Jodie Helmick from the Broadlawns Hospital emergency room testified that Demetria had been beaten, while nurse Jane Brackney described Demetria that night as "crying, pretty upset." And though no semen was found on Demetria (the entire encounter on the porch lasted less than 10 minutes. It took two minutes from the time Jason called the police to when they arrived; Curtis was interrupted before ejaculation occurred), forensic expert Paul Bush testified that dirt and creases on Demetria's clothes corroborated her account of the struggle. Curtis' wallet and keychain were found on the Harris front porch, his car was found parked out front.

The closer one gets to Des Moines, the less luck Curtis has had organizing his broad, political fight

Demetria's hour-long account of the attack was detailed and explicit. "I started getting sick," she told the jury at one point. "I wanted to throw up but I couldn't do it." Pointing to Curtis, she said, "He's exactly who did those things to me."

Most Curtis endorsers have never heard this testimony. In "The Frame-up of Mark Curtis," a slick video by Hollywood director Nick Castle, Demetria is only allowed to speak for a few seconds. Three days of testimony, much of it damaging to Curtis, are reduced to 30 minutes of tape given largely to descriptions of conditions at the Swift plant, of the beating Curtis received at police headquarters after his arrest, of Curtis as activist, son and husband.

What the video gives us is Curtis' version of events, as recounted at the trial. According to this, Curtis started the evening at a meeting called by Latino activists to protest the arrest of 17 undocumented workers at a Swift plant earlier that week. After the meeting, Curtis went to a local bar, leaving at 8:30 to go home. At 8:45 he left his house to go shopping. Curtis says that on his way to the store, while stopped at a red light, a teenaged girl demanded that Curtis give her a ride. She told Curtis that someone from the nearby TNT Bar was after her. Curtis let her into his car. She gave him directions to the Harris house. When they arrived she asked him to get out of the car and walk her into the house. She let him in with a key, and then disappeared into the house, never to be seen or heard from again.

"Well, I heard a noise behind me, a 'bam' as the door flew open." It was officer Gonzales. "He handcuffed me, my wrists behind my back, turned me around, sat me down on this bed that was there, he pushed me back onto the bed and he unbuckled my pants and pulled them down...I was — I was — I was flabbergasted. I was — this was crazy. This was wild."

Curtis' account at the trial differed from the story he had told in the initial months after his arrest. In the original version, it was Demetria Harris herself who flagged Curtis down near the TNT Bar, and lured him to her home. One month before the trial, however, Curtis changed this story to that of a mystery woman — an unidentified Black teenager who was, according to Curtis, another cog in the police conspiracy against him.

But Curtis was unable to produce a single witness to corroborate the existence of this Black teenager. Neither did Curtis deny during the trial that Demetria was assaulted, (though he has since referred to her as "the alleged victim"), nor did he challenge the authenticity of Jason's 911 call, or accuse Kim Manning of lying when she said the call came in at 8:51 (a crucial point, since the SWP claims Curtis' presence at a bar until 8:30 constitutes "an unchallenged alibi"). When asked why Demetria and Jason would falsely identify him, Curtis said nothing about a police frame-up. Instead, he replied, "I don't know."

Prosecutor Catherine Thune made short work of the conspiracy theory. How could the police know, she asked in her summation, when and where Curtis would go shopping, or what route he would take? How could they know that the traffic light where the mystery woman was stationed would turn red just as Curtis reached it? How could they know that Curtis would give this stranger a ride to the Harris house, then leave his car, enter the house, and wait to be arrested? How could they know the Harris children would cooperate in framing a total stranger? And why use children in a frame-up, why use a charge of sexual assault, when such cases are notoriously difficult to prosecute?

Thune has her own theory as to how Curtis wound up at the Harris home that night. Curtis' former neighbor, named Keith Harrison, had moved the day before to 1545 1Xth Street. Curtis had asked for Keith and his housemate Bonita by name and address when he first spoke with Demetria on March 4. Curtis, ac-

cording to Thune, was looking for Keith *Harrison* at 1545 1xth St., and instead wound up on the doorstep of Keith *Harris*, at 1529.

While on the stand, Curtis denied ever speaking to either Keith or Bonita. Bonita, called by Thune immediately after Curtis, testified that she and Keith had spoken to Curtis on several occasions. Curtis was thus caught in a direct lie under oath. Curtis also had to admit that he had lied about his marital status when first taken into custody — he told the police he was single when, in fact, he is married. His credibility was further damaged when Thune pointed out that he had been fired from a previous job for lying on his resume. Curtis admitted fudging his resume — making up jobs he'd never held — but insisted that he was fired because of his radical politics.

For his part, defense attorney Mark Pennington, during *his* summation, flatly denied that he or his client were claiming frame-up. What this was, Pennington told the jury, was an admittedly improbable case of mistaken identity, combined with a bizarre coincidence (the mystery woman leading Curtis to the scene of the crime), and perhaps some overzealousness on the part of officer Gonzales.

The jury found Curtis guilty as charged. Curtis was sentenced by Judge Harry Perkins to 25 years in the Men's Reformatory in Anamosa. In April 1990 the Iowa Court of Appeals rejected his final appeal.

"*Curtis decided pretty quickly after he got out on bail that he wanted to organize a broad, political fight against what was clearly a frame-up.*"

From *The Frame-up of Mark Curtis: A Packinghouse Worker's Fight for Justice*, by Margaret Jayco.

But the closer one gets to Des Moines, the less luck Curtis has had organizing his "broad, political fight."

"There aren't mahy people in the peace and justice community in Des Moines who have bought his story," says Bill Douglas, chair of the Iowa Socialist Party. Rudy Simms, civil rights activist and regional director for the National Conference of Christian and Jews, says Curtis "has no support that I'm aware of in the Black community here. Personally, I can't fathom any civil rights organization or any minority organization supporting Mark Curtis."

A call to Curtis' own union, local 431 of the United Food and Commercial Workers in Davenport, revealed that, other than sending a letter protesting his treatment in custody, it has done nothing on behalf of Curtis. When a petition for Curtis was circulated at the Swift plant, none of the workers on his shift signed. Perry J. Chapin, president of the South Central Iowa AFL-CIO, has stated that he would "personally denounce any organization or individual who says we should support Mark Curtis."

Calls to the Iowa Federation of Labor, the Des Moines chapter of the NAACP, the American Friends Service Committee, the Catholic Peace Ministry, Des Moines and Iowa NOW, and the League of United Latin American Citizens (LULAC) come up with the same answer.

Curtis says the police simply started beating him, calling him a "Mexican-lover"

"The reason they're organizing around the country," said Marti Anderson, director of Polk Country Victim Services at the time of the trial, "is because they can't organize in Des Moines. He's not that important a person. He claimed to have been active in the feminist community, but those of us in the feminist community never heard of him. He claimed to be an activist in the union movement, and the unions in Des Moines aren't supporting him."

"I think there's a lot of resentment here," says Douglas, "over what people see as misrepresentations by the SWP of Curtis' activism."

Two examples of this "activism" are listed by the SWP as the primary reasons for the alleged frame-up. The first is Curtis' participation in a march against police racism in nearby Clive, IA, two weeks before his arrest. Larry W. Carter, president of Des Moines NAACP, was one of the organizers of that demonstration. He says that "Curtis had absolutely nothing to do with organizing that. Maybe he was there, but so were hundreds of other people." Carter himself "believed from day one that [Curtis] was guilty as sin," and "was gratified when his appeal was rejected." Far from seeing Curtis' arrest as a "racist conspiracy," as the SWP has described it, the Des Moines NAACP "told the County Attorney's office from the start that we wanted this man prosecuted just as strenuously as we imagine they would prosecute a Black man charged with raping a white teenager."

The second reason for framing Curtis is supposed to be the speech he gave at the United Mexican-American Community Center on behalf of the "Swift 17" — the 17 Latino meatpackers picked up earlier that week by the INS. At his trial Curtis testified that he'd spoken in Spanish at the March 4 meeting, just hours before his arrest, about "the need to get the union very involved in defending these workers." He described it as a large meeting. "There were many of us from my department at work, and family members of the arrested workers. The media was there, and so on."

"I don't know that he said anything," says Ila Plasencia, who organized and was present at the meeting. Plasencia, past national vice-president for the midwest section of LULAC, was a leader in the campaign to free the Swift 17. (Sixteen of the 17 were eventually freed; one was deported to Mexico). "It wasn't a big meeting. There was no press there." No one else who was there remembers Curtis at all. "If he says he's an activist in the Hispanic community," says Plasencia, "I would say no."

Plasencia openly resents the fact that she is quoted and LULAC is mentioned in Curtis literature. When asked what she thinks of the theory that Curtis was framed for his advocacy of Latino workers, she pauses a moment, and laughs.

According to Charles Adams, author of *Labor Defense and the Mark Curtis Case*, Curtis, far from being a threat to the Swift management, was described by his shop steward as "a quiet kind of guy who kept to himself." And when Latino workers walked off the Swift production line to protest the arrest of the Swift 17, Mark Curtis, self-described "militant unionist," "antiracist fighter," and proponent of Latino-Anglo worker solidarity, refused to join them.

"It's all a hoax," says Carter. "There isn't a shred of truth to any of it."

Mark Curtis was literally caught with his pants down, minutes after a 911 call, in the home of a half-nude and bleeding adolescent who insisted that he had just raped her. There was an eyewitness to the assault, and other corraborating evidence: His keychain and wallet, his car parked out front, "Keith and Bonita," together with his proven duplicity under oath. As a result, Curtis' claim of frame-up has little credibility in Des Moines. In fact, there is a good deal of outright animosity to his campaign, especially among African-Americans. How is it then that so many people outside Des Moines, who identify themselves as progressives, and even feminists, have lent their names, their reputations, and, in many cases, their financial support, in an effort to free Mark Curtis?

"The first thing (SWP members) do is the personal favors trick," says Barry Shuchter, editorial committee member of the *Boston Labor Page*. "They say, 'We've been on the line with you, we've come to

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your events. Now we're asking for this one favor in return.' Then comes the 'Look who else has endorsed' trick." This works especially well with unions. "For a union not to support another union is seen as disloyal."

Indeed. R.T. Griffin, president of the Central Arizona Labor Council (CALC), writes that "we at CALC wage [sic] all Unionists to support the efforts to defend Mark Curtis and ask the Labor Movement to stand behind him to illustrate solidarity for a Brother."

"Talking to people," says Linda Nelson, former chair of the Iowa Socialist Party, "I realized that they didn't know much about the case. And I would ask them, face to face, 'Do you think he's innocent or guilty?' and they'd say, 'I don't really know, but he was framed.' In other words, they were supporting Curtis out of solidarity for a comrade."

What adds credibility to the SWP pitch is a long history of actual FBI harassment, virtually from the party's founding in 1938. A report by former New York judge, Charles D. Breitel, cited instances from 1938 to 1976 of SWP members losing their jobs because of FBI harassment, arrests of members on spurious charges, bugging and burglary of party offices, anonymous death threats, and physical attacks on party offices and members. The Bureau gathered millions of pages of files on hundreds of members (including Curtis), and cultivated 300 paid informants in a party whose national membership is estimated to be anywhere from a high of 2500 to a low of 750. Yet the FBI turned up no evidence whatsoever of any treasonous act committed or planned by the SWP.

Not everyone takes so seriously a Marxist party with a seemingly unequaled propensity for internal squabble and mass defection. In its history, the SWP has spun off such groups as the Spartacist League, Socialist Action, the Revolutionary Marxist Committee and the Fourth Internationalist Tendency. Many of its women members, citing what socialist-feminist Karen Brodine described as "the SWP's growing conservatism, anti-feminism, and crass opportunism," left the party in 1966 to form the Freedom Socialist Party. (Ironically, the FSP is listed as a Curtis endorser.)

The SWP filed suit against the federal government in 1973, and in August 1986 won $264,000 in damages. The government appealed, but settlement was finally made the week after Curtis was arrested. This history, and the continuing harassment of groups such as the Committee in Solidarity with the People of El Salvador (CISPES), of which Curtis was a member, contribute to the willingness of the left to support almost anyone claiming frame-up.

But by far the most compelling "evidence" of frame-up is the beating Curtis received while in custody. After his arrest, Gonzales and Glade turned Curtis over to other officers. The police say that while at the station Curtis reached for the holster of the officer Daniel Dusenbury, who struck him across the face with his nightstick. Curtis says the police simply started beating him, calling him "a Mexican lover." The blow shattered Curtis' left cheekbone, and 15 stitches were required to close the gash on his face.

Curtis filed charges against Dusenbury and his partner, but both were exonerated in the subsequent police investigation. The police say Curtis refused to cooperate with the inquiry. Curtis calls it a cop whitewash, and more evidence that he was framed.

Either way, Curtis supporters do not seem to believe, as Detroit socialist Martin McLaughlin puts it, that "the police beat up the guilty as well as the innocent." McLaughlin, a member of the Workers League, a socialist group which is an ideological foe of the SWP, is the author of *The Mark Curtis Hoax: How the Socialist Workers Party Tried to Dupe the Labor Movement*, a devastating critique of the Curtis campaign. For their efforts the Workers League has been dismissed by the SWP as "an embryonic fascist organization." "In other words," says McLaughlin, "if you don't support Curtis you are branded as anti-labor, and outside of the workers' movement."

A photograph of Curtis' swollen and bloodied face, taken immediately after his release, has been massively reproduced, and features prominently in the Nick Castle video. It is blown up and used on posters at Curtis rallies around the world.

Nick Molnar, vice president of the United Mine Workers (UMW) in Ebensburg, PA, wrote a letter to Demetria's father explaining his endorsement of the Curtis campaign. "The story given at that time was that he was sleeping on his couch at home when the police broke in and arrested him on so-called trumped-up charges."

The printed materials distributed by the Curtis Defense Committee (CDC) are only slightly less fanciful than the story of Curtis arrested while "sleeping on his couch." Their brochure, "Who is Mark Curtis?" is fairly typical. In part, it echoes Pennington's defense of Curtis at the trial, where instead of asserting frame-up he concentrated on attacking Demetria's credibility.

The brochure claims, for instance, that Demetria's description of her assailant didn't match Curtis; that the assailant smelled like cigarette smoke when Curtis doesn't smoke; that Demetria "insisted he was wearing a belt" when in fact he wasn't, and so on. Each of these assertions is false. Demetria on numerous occasions described Curtis as "tall and skinny" with a mustache; she also described the clothes he was wearing. She never claimed to have seen a belt, she said she heard what sounded like a belt jingling as Curtis pulled off his pants. This could have been the keychain attached to his belt loop, entered as state's evidence. And Curtis himself admitted he'd spent several hours at Los Compadres drinking beer with friends who were heavy smokers. So it is not at all unlikely that Curtis smelled, as Demetria said, like "a combination of alcohol and cigarettes."

Also cited are "irregularities" in several of Judge Perkins' rulings, such as his dismissal before deliberations of the only Hispanic on the jury. But it was the juror himself, James Garcia, who asked to be removed. Perkins refused to admit Curtis' FBI file, testimony about the FBI's past harassment of the SWP, or evidence of the beating Curtis received hours after his arrest into evidence, ruling that these were irrelevant to determining whether or not Mark Curtis attacked Demetria on March 4. Curtis supporters allege Judge Perkins, along with the Des Moines police, the Polk County Attorney's office, Polk County Victim Services, (probably) the management of Swift and the FBI are all part of the frame-up conspiracy.

Strangely enough, after all the effort spent discrediting Demetria, the SWP claims that Curtis was convicted "solely on the testimony of a cop who was a proven liar." This is a reference to Gonzales, who had been suspended 10 years before the Curtis trial for fudging an arrest report to protect the identity of an informant. It ignores the testimony of Jason, Glade, Manning, and, most significantly, of Demetria herself. While Des Moines feminists bristle at this discrediting of a rape victim's testimony, Marti Anderson of Polk County Victim Services is even more incensed by the "convicted solely" argument.

"In their account the girl disappears, she doesn't exist. It's as if her word, her story, her experience, counts for nothing."

"*When your gut reaction is to sympathize with an accused rapist of a young girl (and Black) then you have to investigate not only the facts but such a reaction.*" From "*Labor Defense and the Mark Curtis Case*," by Charles Adams.

Curtis endorsers, by publicly supporting Curtis, declare their belief that Demetria Harris and her family are either police dupes or outright liars. Most en-

dorsers do this purely on the basis of the SWP account. *Not one* of the numerous endorsers I interviewed had made a single phone call to Des Moines.

There is, of course, a long and tragic history of rape survivors being silenced by the criminal justice system, where the most prevalent forms of rape — date rape, marital rape, rape by family or acquaintances of the victim — are almost never prosecuted. This is especially true for women of color, and reflects a dynamic of social denial so virulent that Dr. Judith Herman, author of *Father/ Daughter Incest*, has concluded "this society doesn't prohibit rape, it regulates it."

What becomes immediately evident in any feminist analysis of the Curtis case is how effectively the *left* has acted to silence the survivor. We know little or nothing about her from reading the CDC material — her age and year in school, for example, are never mentioned. Nor is it mentioned that her parents were active in the civil rights movement in Des Moines in the 1960s, helping to integrate the local Firestone Tire Plant, or that Keith, Demetria's father, broke the color bar in his union local. Today Keith runs a one-truck hauling company from his home, and Demetria helps by baby-sitting and answering the phone. At the time of the attack Demetria also worked part-time at a local Burger King. Her favorite subject at school was nursing, and the evening of the assault she and Jason had gone for a walk with friends to buy cookies at a neighborhood candy store. All in all, Demetria and her family seem an improbable choice for police/FBI co-conspirators.

Mikel Johnson, a Des Moines feminist and observer of the Curtis case, believes that "there are some very heavy aspects of racism to this case. There were even statements at the time of the trial that it's impossible for a Black girl to give testimony this good." Johnson says she was "outraged from the start, because it was apparent that Curtis' credibility rested primarily on the fact that he is a white man." Johnson also sees "coastal chauvinism" at work in the way activists from New York, Boston, or L.A. will endorse Curtis without calling anyone in Des Moines. "People in Iowa," she says bitterly, "couldn't possibly know what's going on in their midst."

Curtis supporters place great credence in the notion that "good men" — that is, men who agree with their politics — don't rape. Nick Castle's video discusses Curtis' pro-labor sympathies, his membership in CISPES, his concern for Native Americans. Curtis' mother testified about her son's years as a cub scout and Webelo, and his "normal" dating habits. Jayco in her book tells us that on the night of his arrest Curtis was planning to prepare "a chicken and rice dish, his specialty" — as if to ask: Could a man who cooks be a rapist?

"There's this eternal denial on the part of the left," says Claire Kaplan, director of the National Coalition Against Sexual Assault, "to think that men among their ranks couldn't possibly commit such a crime. But if you talk to women active in the left you'll hear widespread complaints about sexism. I'm a socialist myself, I'm involved in a fine organization, but there's still sexism." Kaplan sees the Curtis case as "backlash, pure and simple."

Linda Nelson believes that to deny Curtis could rape because he is a leftist is "the same dynamic which occurs when communities refuse to believe some fine upstanding citizen (the banker, the scout leader, etc.) could do such a thing." This denial is both exploited and encouraged by the Curtis campaign.

Also exploited by the CDC is the myth that women "cry rape" to manipulate or intimidate innocent men. Endorser Paul Shannon, for example, with the Boston chapter of the American Friends Service Committee, said he considers Curtis to be another man "framed by the feminists." Barry Shuchter recalls a Curtis supporter asking him, "What if some woman accused you of rape? That would put a crimp in your political work, wouldn't it?"

Almost as disturbing is how the SWP tried at times to obscure the fact that Curtis is a white man with a college education. One of their allegations, for example, is that Curtis "did not have a jury of his peers." As peers, the SWP lists "Blacks, Hispanics, farm workers." It's difficult to see this as anything but a cynical attempt to co-opt the oppression of others, including Curtis' victim. If anyone has a right to complain about the fact that the jury in Curtis' case, as well as the judge and court officers, were white, it is Demetria.

In a reply to an anti-Curtis editorial in the *Boston Labor Page*, Russ Davis, a Boston Curtis organizer, wrote that "there have been cases (Scottsboro Boys, etc.) where rape has been used in frame-ups. *The fact that Mark is white does not change that.*" (Italics are mine.)

It's significant that Davis' list of cases where rape "has been used in frame-ups" begins and ends with the "Scottsboro Boys" — a group of African-American men convicted of rape by an all-white (and all-male) jury in Alabama in 1931. In that case the main prosecution witnesses *were themselves incarcerated* during the entire length of the trial, one

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of them recanting after her release. The defendants had been pulled off a train at random after a racial incident.

There is one similarity, though, between the Curtis case and that of the Scottsboro defendants. In both cases, the prosecution witnesses, women without access to power and unable to tell their stories, were vilified by the left. In 60 years that much, at least, hasn't changed.

"It is a sad story...Besides splitting the energies of the peace movement and diverting resources and attention away from the work we have to do, the [Curtis Defense] committee is again raping the victim...by having to call her a liar to create their version."

From *"Is the Personal Political? (Comments on Mark Curtis)"* by Linda Nelson, from the *Iowa Idea*.

The attacks on rape victims by the Curtis Defense Committee have been specific as well as general. According to Demetria's father, these have included the leafletting of Demetria's high school with flyers denouncing her as a liar (Demetria was personally handed a leaflet as she stepped off her bus the morning before the trial); the posting of handbills up and down their street; and the use of money collected through the Curtis Defense Fund to hire a private detective to have the chidren and their family investigated.

Terry Schock, Demetria's rape crisis counselor, recalls how the SWP packed the courtroom while Demetria was on the stand, moving people in and out during the most difficult part of her testimony, telling jokes and carrying on conversations. Schock saw this as "an attempt to intimidate" Demetria. The commotion became so distracting that Judge Perkins stopped the proceedings to ask the bailiff to restore some order.

Mikel Johnson refers to "a campaign of harassment," culminating in the burning of a cross on the Harris' front lawn. The Curtis campaign has admitted leafletting Demetria's school. CDC coordinator Stu Singer is quoted in the Sept. 2, 1988 *Des Moines Register*, saying that Curtis supporters wouldn't return to Demetria's high school "because we already did, and we don't have to do it again." (The CDC in Des Moines refused to answer questions about this or any other issue. When I called I was told to put my queries in writing. Eight months and several certified letters later, I have yet to receive a reply.) The intention, says Keith Harris, was to embarrass Demetria among her friends.

Keith became so incensed with all this that he went down to the SWP's Pathfinder Bookstore in Des Moines several weeks before the trial. When he found the door locked against him and saw Curtis inside (Curtis was out on bail the entire six months between his arrest and trial), Keith smashed the plate-glass windows with his fist. "I cut my hands, but I wanted them to stay away from my kids."

Like Curtis' activism, this vandalism becomes more significant the further one gets from Des Moines. It is seen by Curtis endorsers not as the understandable, if violent, reaction of a father whose family has been assaulted, but as more evidence that Keith is a police thug. Endorser Jackie Osbourne, president of the Greensboro North Carolina chapter of NOW, says she discounted Keith's open letter to Curtis supporters because "we understand that he has been responsible for some violence against the Curtis program. Our understanding was it was something like a mail bomb."

The Curtis Committee claims that the Polk County Attorney's reluctance to prosecute Keith for his vandalism is further proof of collusion. But this anti-Curtis conspiracy doesn't seem to extend to the civil courts. The SWP brought a lawsuit against the Harris family, winning $2,000 for damage to their windows.

How will all this end? No doubt Curtis will be out on parole in a year or two, but whether the Curtis campaign moves beyond embarrassing individuals like Coleman Young and Ed Asner remains to be seen. Claire Kaplan of the National Coalition Against Sexual Assault has not yet seen any damage to the stop-rape movement on the national level, but fears that "groups will be divided wherever the SWP takes this campaign." Barry Shuchter of *The Boston Labor Page* is concerned that the case will "divide labor and feminists in very unhealthy ways."

In their pamphlet, "Who is Mark Curtis?" an SWP supporter is quoted saying, "This is not a case about rape." But the Mark Curtis case is precisely about rape. It is about the insidious and pernicious myths that work to silence rape survivors and protect their abusers. It is about backlash against the stop-rape movement.

It is about how easy it is for a rapist and his friends to recruit allies in their attack on a courageous young woman who dared to speak out against her abuser. ■

FAY STENDER *from pg 30*

life opened her up to a lesbian relationship with attorney Joan Morris. This relationship was so important that after a lot of soul searching and turmoil, she decided to initiate a separation from Marvin — her husband of 25 years. But her relationship with Morris was cut short by Brooks' bullets. In the suicide note she sent to her lover from Hong Kong, she wrote: "Know that I tried and at times with you almost thought I might make it, but — I couldn't — every moment of it hurt overwhelmingly — too deep, too pervasively — way beyond acupuncture or psychotherapy."

A great deal of fear was engendered by the attack on Stender. As *Berkeley Barb* reporter Bill Wallace stated several weeks afterwards: "The atmosphere of fear created by the shooting remains impenetrably thick." Wallace quoted a local prison movement activist as saying, "I'm glad that you're the one doing this story and not me — I want nothing to do with it!" Likewise, several of my friends expressed anxiety on my behalf simply because of a short article I was writing about Stender's murder for a little-known feminist publication. Many people refused to even talk about the case.

My early attempts to understand this horror story in all its complexity, produced only the most cynical and bitter "insights." For example, I felt that Stender's experience showed that it was foolish — indeed dangerous — to try to work for radical change. That those who do so inevitably could not do enough — incurring criticism, being treated as "the enemy" by some of these critics, and becoming the target of accumulated hatred and frustration, while the real enemies were ignored. It seemed to be a warning to inactive but politically progressive people not to try to help solve some of the inequities in society, because if they did so, they might be in danger when they stopped. And for those already in the struggle who hadn't become too well known or hadn't been recognized as too valuable to the movement, the message was: Quit and be safe.

Not surprisingly, I was not the only one to respond in this way. Ezra Hendon, a friend and former colleague of Stender in the Prison Law Project, said that Stender's death "marked the end of an era in my life, and I think the end of an era, period. Her conviction that you could be committed to a political goal, work for it and be brilliant in its service — in a clean way — that's over for me. I don't know about the others, but I can't have that belief anymore.

"I guess it would be easy to say," Hendon continued, "that Fay played with fire, and people who play with fire get burned. But it should count for something that she wanted to be a force for good in the world, that she was a brilliant, remarkable woman who dedicated her life to others and to making the world a better place."

While appreciating the despair Stender and others felt, my own initial disillusionment, my conclusion that we should all confine ourselves to pursuing our own self-interests, came to feel intolerable, and incompatible with feminist principles.

An Update On:

THE STRANGE CASE OF MARK CURTIS

By Fred Pelka

In Spring 1991, *On the Issues* published an article on the case of Mark Stanton Curtis, who was convicted in September 1988 of physically and sexually assaulting a 15-year-old African-American girl on the enclosed front porch of her home in Des Moines, Iowa. Curtis, 29, and a member of the Socialist Workers Party (SWP), was arrested by two police officers responding to a 911 call placed by the victim's 11-year-old brother, who witnessed a part of the assault. Pushing their way onto the porch, the two policemen saw Curtis, his pants down around his legs, attempting to flee into the back of the house, while his victim told them, "He just raped me." Since then, the SWP has built an international campaign to free Mark Curtis, claiming he was "framed-up" because of his work as a political activist.

That Curtis, a college-educated white man, was convicted by an all-white jury is an indication of the overwhelming evidence against him. And yet, by misrepresenting the facts, exaggerating Curtis' career as an activist, and focusing on the police beating he received several hours after his arrest, the SWP has managed to gather endorsements and financial support from thousands of political activists and celebrities around the world. Among those listed as supporters of the Mark Curtis Defense Committee are Ed Asner, Coretta Scott King, officers and chapters of NOW, several officials of the African National Congress (ANC), the Southern Christian Leadership Conference, [redacted] William Kunstler, and dozens of union locals. The success of the Mark Curtis Defense Committee raises many disturbing questions. As I asked last spring: "What does it mean when so many 'politically correct' people are willing to take, at face value, the word of a white man convicted of rape over that of his Black victim?"

In reaction to that article, a counter-campaign, coordinated by the Boston branch of the NAACP, has sent open letters and information packets to hundreds of Curtis supporters, asking that they withdraw their endorsements. The packets are now circulating across the country and in Canada and the Philippines.

"In some cases," writes Mary Bertin, chairperson of the Civil Rights Committee of the Boston branch of the NAACP, "the Defense Committee has simply told potential endorsers that Mark Curtis was a victim of police brutality — without mentioning that he was convicted for the assault and rape of a child. In other cases, the Defense Committee has said that Mark was framed. In neither instance has the Defense Committee told its endorsers the truth." The NAACP packet includes the *OTI* article, a letter from the Des Moines NAACP stating that, contrary to what some endorsers may have been told, that organization at no time has supported efforts to free Mark Curtis, and several flyers by the Boston-based group Men to End Sexual Assault (of which this writer is a member). "The efforts of the Defense Committee" says Bertin "are both racist and sexist. They perpetuate the worse falsehoods about rape: That persons of certain class or political stature could not possibly commit rape, and that the rights of the rapist dwarf those of the victim — especially if the victim is a person of color."

The result, according to Bertin, has been an immediate and widespread questioning of the Curtis campaign. Among the earliest Curtis endorsers to withdraw their support were writers Howard Zinn and Daniel B. Schirmer, Robert Meeropool (the son of Ethel and Julius Rosenberg), professor and political activist Gil Green, historian and author Herbert Aptheker, author Margaret Randall, Massachusetts ACLU president John Roberts, and union activists Brian Lang and Meizhu Lui. New letters denouncing the Curtis campaign continue to arrive at the Boston NAACP office.

Says Walter Brooks, president of the Ossining New York chapter of the NAACP, "I think I made a good move [by disendorsing]. The evidence presented by sister Bertin is incredible, and there's no doubt in my mind that this Curtis campaign is phoney."

In response, the Socialist Workers Party has attacked Bertin and the NAACP, this author, the stop-rape movement, and anyone else questioning the Curtis campaign. For example, the SWP has identified Larry W. Carter, president of Des Moines NAACP, Marti Anderson, director of Polk County

(OVER)

With human lives in the balance, why are experimenters still monkeying around?

Over half of all new medicines are more dangerous than animal tests predicted, so much so that they have to be relabeled or pulled off the market. Of twenty-five drugs that seemed to reduce stroke damage in animal experiments, not a single one proved effective in human beings.

While experimenters are monkeying around in animal laboratories, they are ignoring what is most important—prevention. Nearly two-thirds this nation's deaths result from diet-related diseases. For example, breast cancer—the leading killer among young women—is strongly linked to diet.

For more information about prevention and alternatives to animal research, write:

PHYSICIANS COMMITTEE
FOR
RESPONSIBLE MEDICINE
P.O. BOX 6322
WASHINGTON, DC 20015

OTI

Iowa Victim Witness Services at the time of the trial, and Ila Plasencia, former vice-president of the midwest section of the League of United Latin American Citizens, as joining "an array of police and city officials who have waged a political campaign to try to make the frame-up stick from the day Curtis was arrested."

Greg McNaghten, a United Transportation Union official in Seattle who has distributed a report critical of the Curtis campaign, has been denounced as being part of a "right-wing shift in politics." The only "evidence" cited in these attacks is that all these people oppose the effort to free Mark Curtis.

The SWP has devoted special attention to the stop-rape movement. The July 17, 1992 issue of their weekly *The Militant* even makes the claim that the movement "does not exist." This echoes similar attacks made in the past, for example, that Des Moines anti-rape activists "work most closely with the cops" and seek rape convictions against men whether or not they are guilty. *The Militant*, in response to McNaghten's report, goes so far as to ridicule the idea that 11 year olds such as the survivor's younger brother should be believed in a sex abuse case. "Is an 11 year old such an inherently reliable witness, as McNaghten would have us believe? Hardly, as some recent cases involving charges of child abuse have demonstrated." The survivor of Curtis' attack, as always, is held up to be mistaken, stupid, or lying — all in an attempt to convince potential supporters and donors that Mark Curtis isn't guilty.

Curtis is due for parole this November, and the SWP is again pulling out all stops, requesting that its supporters write letters urging his release, and using the event for further fundraising. In or out of prison, Curtis will remain a controversial figure, and a symbol of how far we need to go to root out racism and sexism in our communities.

These excerpts are taken from the letters of former Curtis endorsers announcing the withdrawal of their support:

"We support Mr. Curtis as a victim of police brutality. However, that issue and the issue of his conviction of rape are totally separate. On the rape issue, we're more concerned with defending the victims of sexual assault, particularly women of color, who have historically received no justice in this kind of case...There are more cases of injustice...that merit national and international mobilization — the Mark Curtis case is not one of them."
—Meizhu Lui

"It was clearly my responsibility to investigate the facts of the Curtis crime before endorsing the campaign. Had Curtis been African-American and the victim white, I doubt that I and many other endorsers would have so readily accepted the Defense Committee's accusation of frame-up without looking into the facts first. The Defense Committee has effectively played into racism that not only infects our society, but also infects those of us who say we are committed to combating it."
—Brian Lang

"As a Latino man, and as an activist who has worked on police brutality issues, I have a moral imperative to question the actions, and the political position, of your committee on this case... The fact that allegations of rape were denied or down-played by your [SWP] committee make me strongly question the group's integrity."
—Juan Vargas

"I feel that a young African-American woman — really a child, aged 15 — has been rendered voiceless and invisible in this case. It now seems there is compelling evidence that she was raped by Curtis. I feel that I, as a sister in struggle, have been lied to....In your condescension and withholding, you have hurt everyone connected with the Curtis case. You have also weakened our movement because we will certainly be more hesitant in our future support."
—Margaret Randall

"It appears that the 15-year-old Black girl is not only a victim of rape but of over-identification with the very real issues of political frame-ups and police brutality. I believe the issue is not 'left' and 'right' but right and wrong."
—William E. Alberts, Ph.D. ■

For more information about the Mark Curtis case, readers can contact Ms. Mary Bertin, chairperson, Civil Rights Committee, Boston branch NAACP, 451 Massachusetts Ave., Boston, MA 02118 or call 617- 267-1058.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

451 Massachusetts Avenue, Boston, Massachusetts 02118 617-267-1058

June 30, 1992

To Progressive Activists and
Endorsers of the Mark Curtis Defense Committee
Boston, MA

Dear Activist,

I am writing to share some disturbing information with you and to ask for your help.

In 1988, Mark Curtis, a member of the Socialist Workers Party in Des Moines, Iowa, was convicted of violently raping an African-American girl who was barely 15 years old. He was subsequently sentenced to 25 years in prison. Since his conviction, the Socialist Workers Party has worked hard to obtain his release and has lobbied members of progressive organizations throughout the country to join the Mark Curtis Defense Committee.

In some cases, the Defense Committee has simply told potential supporters that Mark Curtis was a victim of police brutality — *without mentioning that he was convicted for the assault and rape of a child.* In other cases, the Defense Committee has said that Mark was framed. In neither instance has the Defense Committee told its endorsers the truth.

I have thoroughly investigated the Mark Curtis matter on behalf of the Boston Branch of the National Association for the Advancement of Colored People. I have found that the Defense Committee has won the endorsement of many important progressive leaders through its campaign of misinformation. The Defense Committee's efforts both ignore the vile nature of the crime that Curtis committed and betray the mutual trust and respect among progressive groups that are crucial to our movement.

I am therefore asking those of you who have endorsed to have your name removed from the Mark Curtis Defense Committee list. Because most endorsers were never told the full story, I have taken the liberty of including copies of the following:

- a letter from the Larry Carter, President of the Des Moines branch of the NAACP
- a disendorsement letter from John Roberts, Executive Director of the Civil Liberties Union of Massachusetts
- a Fact Sheet on the Mark Curtis Case, prepared by Men to End Sexual Assault
- a flyer about Rape Myths and the Mark Curtis Case, prepared by Men to End Sexual Assault
- an article by Fred Pelka from the magazine *On the Issues*
- an article by Barry Shuchter from *The Labor Page*
- a flyer about When Racism and Rapism Are the Same
- a list of Local Sponsors circulated by the Mark Curtis Defense Committee

- lists of Endorsers of the Mark Curtis Defense Committee, from April 22, 1989 through June 30, 1991
- the closing arguments of Defense Attorney Mark Pennington and of Prosecutor Catherine Thune

I can put you in touch with Fred Pelka, Barry Shuchter, and with observers of the Mark Curtis case in Des Moines. I can also provide you with transcripts of the Mark Curtis trial. Please feel free to call me at the Boston Branch NAACP office.

If, after your own inquiry, you decide to disendorse, please notify both the New England Supporters of the Mark Curtis Defense Committee [780 Tremont St.; Boston, MA 02118; (617) 247-6772]; and the national office of the Mark Curtis Defense Committee [Box 1048; Des Moines, Iowa 50311; (515) 246-1695]. I would appreciate your also sending a copy of your letter to me at the Boston Branch NAACP office.

Be advised that some individuals have asked to have their names removed from the Defense Committee's list to no avail. For this reason, I am working with several other individuals to help assure that those people who wish to have their names removed from the list are successful in doing so. You can help in this effort by wording your disendorsement letter as strongly as you can.

The efforts of the Defense Committee are both racist and sexist. They perpetuate the worse falsehoods about rape, that persons of certain class or political stature could not possibly commit rape, and that the rights of the rapist dwarf those of the victim — especially if the victim is a person of color.

The assault and rape of a child is the most heinous of all crimes. The perpetrator of such a crime must be exposed and punished. MARK CURTIS IS A VIOLENT RAPIST! We must not allow him to hide behind his political beliefs — no matter how progressive they are alleged to be. Thank you for your time and help.

Sincerely,

Louis Elisa
President,
Boston Branch NAACP

Mary Bertin
Chairperson
Civil Rights Committee
Boston Branch NAACP

DES MOINES BRANCH

NATIONAL ASSOCIATION
FOR THE ADVANCEMENT OF COLORED PEOPLE

900 - 17th Street
Des Moines, IA 50314

Telephone
(515) 243-5301

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Gretchen Hamlett
1st Vice President
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February 11, 1992

Ms. Mary Bertin
78 Westland Ave.
Apt. 306
Boston, MA 02115

Dear Mary:

Pursuant to our telephone conversation on Saturday, February 8th, please be advised that the Des Moines NAACP has followed very carefully the overall process involving the trial and the subsequent conviction of Mark Curtis since he was first arrested for the charge of attempting to rape the 14-year-old African American child here in the city of Des Moines.

It has been the Des Moines Branch NAACP's position since the beginning of the Mark Curtis case to let justice take its course. Then and only then would we make any public comments. After his conviction and subsequent appeal we have said, and we continue to say that justice was done in the Mark Curtis case and we have no interest in getting involved on behalf of Mark Curtis. We feel the young Morris girl is the real victim, not Mark Curtis, in that she was sufficiently traumatized to the extent it is highly unlikely she will have a fulfilling life as a result of this early childhood trauma.

We feel Mark Curtis is guilty and we do not support him. Irrespective of what you might hear in Massachusetts or on the east coast, the Des Moines Branch NAACP has never supported Mark Curtis by thought, word, or deed. We feel he had his day in court. Also we agree with the findings in the jury trial. We can only tell you we know justice was served in the Mark Curtis case and any attempts to use the Des Moines Branch NAACP name in any deliberation would be unwarranted, unfounded, and totally dishonest.

Therefore, we the members of the Executive Committee of the Des Moines Branch NAACP would like to go on record stating emphatically we are in no way supportive of Mark Curtis.

If we should remember anything about history, we must remember it is indeed a rarity when a white male is found guilty of attempted rape of a black female.

I had the opportunity to spend some time at the trial while it was in session, and the time I spent there, without question, convinced me Mark Curtis was guilty as charged.

Mary, it has been requested of me to have you send a copy of all correspondence concerning the Mark Curtis question to Mr. Keith Morris, father of the young victim Demitra Morris, to 15[redacted] - [redacted]th, Des Moines, Iowa 50314.

Sincerely,

Larry W. Carter

LWC:lr
2101-f/lc

cc: Keith Morris

Civil Liberties Union of Massachusetts

February 20, 1992

The Mark Curtis Defense Committee
605 Massachusetts Avenue
Boston, MA 02118

The Mark Curtis Defense Committee
Box 1048
Des Moines, IA 50311

Dear Sir or Madam,

Please remove my name from the list of endorsers of the Mark Curtis Defense Committee.

Several years ago, I agreed to endorse what I thought was a police abuse case. Since then, I understand my name has been used to endorse a campaign to vindicate Mark Curtis of the crime of rape, for which he was convicted. I have finally done what I should have done originally, and that is taken the time to look into the case, including reading portions of the trial transcript. I have concluded that the weight of evidence against Mark Curtis is rather overwhelming. In this case I certainly am not willing to second guess the jury.

Please do not use my name to support any of the efforts of the Mark Curtis Defense Committee or the Socialist Workers Party.

Sincerely,

John W. Roberts
Executive Director

/jwr

cc: Mary Bertin

19 TEMPLE PLACE, BOSTON, MASSACHUSETTS 02111

John W. Roberts, Executive Director
Karen Hudner, Legislative Agent
Telephone (617) 482-3170
FAX (617) 451-0009

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CLOSING ARGUMENT OF PROSECUTOR CATHERINE THUNE:

First of all, ladies and gentlemen, I would like to thank each and every one of you, on behalf of the state of Iowa, for your time and attention in this case. The evidence is only ... this afternoon. It hasn't been a long trial, but I thank you for your attention.

As you know, this defendant, Mark Stanton Curtis, has been charged with two crimes, the crime of burglary in the first degree, and sexual abuse in the third degree. The state, as the judge just informed you from voir dire, has the burden of proof. That burden of proof is beyond a reasonable doubt. The state must prove each element of those two crimes to you beyond a reasonable doubt. The court will instruct you that a reasonable doubt is such doubt as fairly and naturally arises in the mind, and by reason of which, you cannot say you have a full and abiding conviction of the guilt of the defendant. That same instruction tells you that you should not ignore credible and believable evidence and you should not ... the doubt. You shouldn't base your verdict on groundless conjecture or imaginary things, or things that might be _ possibilities.

I'd like to talk with you a little bit about these two crimes, so you have an idea of what to look for. I believe the court will instruct you that these are the elements the state has to prove for those crimes. I am putting it up before you and I'd like to discuss it.

You will have certain tools to work with, as you look at the elements. You have important clues in the facts that came into the case, the testimony, the exhibits, importantly your common sense and your common experience. But there are other things you have to work with, which go together. The law asks you to search for the truth, of what happened on March 4, 1988. It is you twelve who will decide who to believe, who not to believe, and who's mistaken. As you know, the defendant was presumed innocent, but now based upon the evidence that shield of protection falls. So let's look to the evidence in this case.

The first crime, the crime of burglary in the first degree. There are six things the state must prove to you beyond a reasonable doubt. The defendant broke or entered into 1529 17th; 1529 17th was an occupied structure as defined by law, and you will find out that a home qualifies; the defendant had no right -- the law says license or privilege -- to enter or break in; the structure was not open to the public, that's obvious; the defendant entered with the intent to commit a felony or an assault, not both, but one or the other, and you can choose, and you've heard that sexual abuse in the third degree is a felony; the defendant intentionally inflicted physical injury on Demetria.

So without talking about the second degree crime right now, let's just look at the facts as they relate to the burglary in the first degree. Well we know that on March 4, 1988, Jason and Demetria Morris were at home. Some time they heard a knock at the door, and as kids do they argued about who was going to answer that door. They both went through the living room door onto the porch. They asked who it was and found out it was Mark. Believing and thinking it was their older brother, opened up the door, and who was on the other side but this defendant, Mark Curtis, a total stranger to Demetria.

They had a conversation and you know about that conversation: is this 1545, is Bonita here or is Keith here, or are your parents here? Jason in the meantime leaves the porch area, and what's happened? Demetria gets a little scared when he asks her if her parents are home, and she shuts the door. She starts to shut this door, and this man, this defendant, actually starts to walk away, and then turns around and he forces the door open. And ladies and gentlemen, you will learn what the definition for broke and entered are, you don't have to break an actual window, the defendant, even opening a door or forcing a door open, qualifies. And so you know, beyond a reasonable doubt, that the defendant broke or entered 1529 17th Street with ... of force.

You know that 1529 17th Street was a home, and you'll learn under the law, and certainly that's not an issue here, that a home is an occupied structure. The defendant had no right to come in. Demetria told you that. She didn't want him there, she obviously was closing the door. Her home certainly wasn't open to the public.

The next thing the state has to prove is that the defendant entered with the intent to commit sexual abuse or an assault. Well what was the defendant's intent? What happened on that porch? You can intend something and not even follow it through. But this defendant more than just intended something, he followed it through. What happened on the front porch? The defendant came in, closed over the living room door, and he told Demetria that this is how it was going to be, he had a knife _ he didn't display one, he just told her he had one and that she better cooperate or she and her brother might be hurt. Demetria will tell you she was sick and she was scared. With intent to commit an assault? We know that on that porch he pushed her down on the mat. That's an assault by law, that's an offensive touching, he certainly committed an assault, he hit her underneath her left eye and on her right temple, those were certainly assaults by law. We know more than just what his intent was because he actually carried it through. And did he intentionally inflict physical injury on Demetria? You bet. And that's the testimony of her injuries, you know for certain, physical injuries on her face. All right. And that's burglary in the first degree.

You will also be considering lesser included criminal offenses, as you do in many criminal trials. And the lesser offenses on this burglary side include burglary in the second degree. The difference is element number six. That's not included, that is, there may not be any physical injury inflicted. To find him only guilty of burglary in the second degree you would have to ignore the assault that took place, not only the sexual assault, an offensive touching in her genital area, but you would have to ignore the bumps and bruises, the swelling on her face. You will also consider the lesser included offense of criminal trespass, and that's when someone comes on the property without committing a public offense. And certainly you'd have to ignore the defendant's intent here, you'd have to ignore that he broke in or entered in to the house, and you'd have to ignore of course element number six. It is your duty, the judge will tell you, to convict the defendant of the highest offense of which the state proves him guilty beyond a reasonable doubt. And without question, the defendant committed burglary in the first degree.

So let's now turn and look at sexual abuse in the third degree. Well, we know from Demetria the defendant threatened her with a knife, saying he had a knife. We know that he fondled her breasts, and that was offensive. We know he pushed her to the floor, demanded that she take her jeans and panties off, when she tried to resist the defendant assaulted her, and certainly, if you look at these elements, first of all, there is no question that the defendant and Demetria were not cohabitating as husband and wife, now ladies and gentleman, the state has to prove it, but obviously there's no particular, no issue there. The defendant performed a sex act on Demetria, the second element, and the third, the sex act was done by force or against Demetria's will. And while the court will tell you that by force and against the will does not necessarily mean physical force, it could be by threat, but here we have plenty of force. We have the threat of a knife, harm to Demetria and to Jason, and we have the physical offensive touching of her genital area, and we have the bruises. But take a look a little bit further at the evidence.

We know that the defendant came in, he came on the front porch, he pushed her to the floor, he asked her to take off her jeans, she wouldn't. He assaulted her. He hit her in the left eye, then he slapped her and hit her in the right forehead area. And then the defendant himself forcibly takes off Demetria's panties.

[long silence while she consults her notes]

Then you will see them on the front porch, where they were last ... you will get a much closer look at all this evidence when you get back into the jury room. Was this by force and against her will? Look at the soil that appears on Demetria's jeans, at the soil on her sweater that was ... you can see it was by force and against her will. A sex act is clearly defined by law. A sex act

can include many things, we talked about that a little bit in voir dire. The most common of course is the penis in the vagina or the vaginal area. But it includes many other things. It's an extended definition that covers multiple things. And in particular in this case, in includes contact between one person's genitalia and the genitalia of another person. Without question here, ladies and gentlemen, Demetria told you what the defendant did to her and now we urging you ...

He took down his pants, his jeans, then he took off his underwear and put them down and he took out his penis and he rubbed it against her pubic hair, her clitoris and around her vaginal opening, around and around. And that's contact ladies and gentlemen, between his genitalia and her genitalia. Without question, under law, this was a sex act.

Without question, ladies and gentlemen, he didn't stop there. He turned her over. First he tried to her over on her stomach and she didn't cooperate. He assaulted her again by hitting her in the back and he turned her over and took his penis and he rubbed it against her buttocks. Again, he performed a sex act on Demetria. Then, as he was doing this, the police arrive, and again the defendant threatened Demetria. He put his fingers around her throat in a choking position, told her not to say anything and be quiet. So what does Demetria do? She gets up, and without any clothes on, she runs out _ from the waist below _ she runs out to the police. And what do the police see, the defendant, standing inside, with his pants down to his knees, with his pants and his underwear, the defendant's trying to pull those up. Without question then, the third element, the sex act was done by force or against the will of Demetria. The state has proved to you the elements of sexual abuse in the third degree.

The state went on to gather all possible evidence in this case, and so the state sent Demetria's clothes and the defendant's underwear to the crime laboratory here. And you heard from Paul Bush. He's the person who was sent all the clothing. He first checked for seminal fluid, and that's always a nice piece of evidence when it does occur. We learned that seminal fluid comes from the male sperm, for its ejaculation, or possibly through some draining. The victim's clothes and the defendant's underwear did not contain sperm. But you notice that the law does not require for a sex act that there be ejaculation nor does it require that there be penetration only. There are many ways you can have a sex act. Just because the evidence was not found, does not mean that a particular sex act didn't occur. But the state, in laying all its cards before you, went to look at it, and told you ...

Likewise, the state looked for foreign hairs on Demetria's clothing. And we learned that in five percent or less of the cases do we find a transfer of pubic hairs between two individuals in a sex act. But the state looked for it anyway, to see, and informed you that there was none, which is pretty consistent with most of the cases that we run. Again, just because there was no transferred pubic hair, does not mean that a sex act did not occur.

The state went further. The state examined the evidence in this case for trace evidence, for soil. Now why would we look and ... for trace evidence. Now Demetria said she was on the porch. And you know that Mr. Morris, Keith Morris, is a hauler. What does he keep on that front porch? A battery charger, tillers, ..., there's dirt and everybody can see _ look at the photograph _ ... is not necessarily a very clean floor. Take a close look at all the evidence again. On Demetria's jeans, Paul Bush found soil, soil on her left pants leg, from the waist on down, soil that confirms Demetria was on the floor. He found soil not only in her jeans, but in her panties and on her sweatshirt.

State's exhibit 13, the floor mat. Demetria ... told you that her attacker pushed her down on the floor mat in front of the door. Demetria was wearing this sweater, state's exhibit 11, and this sweater tells you an awful lot, ladies and gentleman. This sweater contains a pattern. Paul Bush showed you that pattern. It's a little hard to look at from a distance but you'll have it back in the jury room, and there's a pattern back here, uniform, consistent. And that pattern came from that mat...

Dr. Helmick also told you some facts. Dr. Helmick told you what she did, what Demetria told her, and that for a sexual act can occur without finding definite medical evidence. Importantly, Dr. Helmick described the physical injuries Demetria had. She described her demeanor, she was upset, she was sobbing at one point, and was crying. And she described to you that everything Demetria told her happened to her was consistent with her medical findings. Without a doubt, Demetria was sexually abused and she has identified the defendant, along with her brother Jason, and along with police officers Glade and Gonzalez, as the person who sexually abused her.

And like the burglary we're going to consider the lesser included offense of sexual abuse. That lesser included offense is assault. And assault is when you have an offensive touching someone or push them in some manner and you have the ability to do it. But in order to find him only guilty of assault, you would have to ignore other evidence in the case. And that's Demetria's sweater, Demetria's jeans, ... you have to ignore everything Demetria says happened... In fact the state will prove...

Not only beyond a reasonable doubt, but beyond a doubt the state has proved to you that on March 4, 1988, Demetria Morris was the victim of a burglary in the first degree and a sexual abuse in the third degree.

Let's take a moment and look at the defendant's evidence in this case. The defendant put forth character evidence. He said because I've been a good man in the past, I'm still good, a good man today. And indeed you heard what I consider three categories of witnesses. The first were his mom, his dad, his uncle, and they're family members and they knew the defendant growing, growing up, until he was about 18 years old. And they told you what a good boy he was. And there was a second group of those who've known him in the past couple of years, and that was his wife Kate, Ellen Whitt, Myung Kim, Jackie Floyd, and her daughter Ellena Floyd. And they know him through social functions associated with his political party. And of course Ellena is a daughter and knows him through her mother. And finally the third category is Hazel Zimmerman, a person who met the defendant since this all occurred, and who also believes that he's a great person.

No doubt the defendant believes strongly in many social injustices that are done our country. The defendant apparently tries to educate and right the wrongs that are done in our society. The defendant, however, it appears, is trying to hide behind his political and union activities and refuses to face his crime. Character evidence tends to reward the good man, who might have led a long life and to punish the unknown person, a bad man, because of his character... What Mark Curtis does for workers at Swift is fine, and it's good. But isn't that what police officers are sworn to do, to help protect the public from criminals?

His second part of his defense is some type of frame-up, some type of a conspiracy. On March 4, 1988 the defendant made certain decisions. The defendant alone made these decisions that took him to the home of the Morrises. I ask you to consider the following:

How did the police, or how did Demetria and Jason or their family know that the defendant was going to abruptly leave his home sometime between 8:30 and 9:00, to buy food? How did they know? How did they know the defendant would get into his car and drive by himself? How did they know that the defendant would go to the Hy-Vee store to do his grocery shopping? How did they know what route he would take? How did they know that he would be stopped at a particular red light where a girl could approach him? How did they know the light would be red? How did they know that the defendant would agree to give this girl a ride, to help her out? How did they know he would agree to drive her to her home, or a home, in what the defense brought out to be a bad or unsafe neighborhood? How did they know that when he arrived at her home, he would get out of the car, agree to go the porch and then wait calmly to be arrested? How did they know the Morris family would cooperate and why rely on children to be important people in this frame-up or conspiracy?

Demetria and Jason are just kids, kids coming into a packed courtroom to tell you as best they remember the traumatic events on March 4, 1988. If a frame-up, why not let the officers open the door and see the defendant on top of Demetria. That would be great. If it's a frame-up, why not plant a knife on the defendant, or on the porch.

How did Demetria know that the defendant knew Bonita and Keith and that they were moving, that very day, the day before, to 1545 17th Street. Why pick a sexual abuse case? There's no ejaculation, there's no transfer of pubic hairs. Instead it would have been much easier for the frame and conspiracy, to pick a drug case. Stop the defendant and throw a bunch of drugs in there and call him the worst drug dealer to hit Des Moines. Wouldn't that be a lot easier?

The credible, believable evidence in this case, you will judge. The law commands you to search for the truth. And the state is confident that you will and find the defendant guilty of burglary in the first degree and sexual abuse in the third degree. Thank you.

CLOSING ARGUMENT OF DEFENSE ATTORNEY MARK PENNINGTON:

... the court, ladies and gentlemen, I too want to thank you for taking the time to come here and serve as jurors ... here. And on behalf of my client, his family, who are here today, and his ... his friends, his supporters, the people that believe in him ... the people who think like him ... I want to thank you for coming here today, to be here to serve on this jury.

It seems a long time since we picked a jury in this case. Not in days, but just in the number of things that have taken place. I think it's important in any criminal case, when you hear defense testimony, there's a tendency among the jurors, that when you start weighing the testimony, to say which testimony do I find more credible, or more believable. And that's not the test. The test is whether there's anything brought out by the defense either in its cross-examination or by the defense in their own case, that gives you a reasonable doubt as to the guilt of the defendant. There's nothing magic about a reasonable doubt. Reasonable doubt is just a doubt that's based on the evidence or the lack of evidence in the case.

One factor I want to discuss. That has to do with the fact, that came out early on, and I discussed it briefly in voir dire, that Mark Curtis is a member of the socialist party. And of course, it's not surprising here that no one on the jury panel belongs to the socialist party. I am not going to try and stand here and tell you that because he belongs to the socialist party, he is less likely to have committed a serious crime than anybody else. But on the other hand, I don't think the prosecutor is trying to tell you that he would be less likely to commit _ excuse me, I have it reversed _ less likely to commit, and she's not going to tell you he's more likely to commit it because of the fact that he is a socialist. I don't think I need to talk about that any more.

I've heard the prosecutor say some things in here that frankly shocked me. The prosecutor stood up before you and said that, I guess it had to be me or my client, believed that there was a conspiracy to get Mark Curtis. I don't believe that was stated. I don't believe that any time did I state that there was a conspiracy to get Mark Curtis. I don't think Mark Curtis said that. And I don't have to defend him against those charges because we didn't make that statement. I think in fact that something horrible, something tragic, some trauma occurred to Demetria Morris on March 4, 1988. I think something happened to her. I think it's clear from her testimony that something happened to her. The issue is, did Mark Curtis do it?

Now let's look at the evidence, the evidence that came in concerning who is responsible. When she went to the hospital, she was asked in some detail _ it apparently is the practice there _ about how the incident occurred. They specifically stated that she was able to relate what

happened very well. And what did she say? She stated that the person who attacked her was five foot six. This was right after it happened. Her statement was the person was five foot six. At the deposition, May 31, when he was present, she said he was six foot tall. Now, of course someone can be off ... we're not saying that's not possible. But we're not talking about being off half an inch, two inches, three inches, we're talking about being off a half foot. Somebody who was very close in height to her own _ a way to gauge somebody's height _ she said she was around five foot four and she said the person was five foot six. Mark Curtis is eight inches taller than her. Well, the prosecution would have you believe that that's just a mistake. She didn't have to say five foot six. She could have said, I don't know, or she could have said, five foot six to six foot, but she didn't.

She also testified that the person that attacked her had smoke on his breath. Now in his close, the prosecutor I'm sure will tell you that the smoke was just on his clothes. But I have an answer to that, I asked was there smoke on his breath, and she said yes. And I said, do you know what smoke smells like on somebody's breath, do you know people who do smoke? Yes, I know that. If the person who attacked her had been smoking, Mark Curtis is innocent. It would be very easy to verify that Mark Curtis smoked. You simply ask around, he has a track record, he's lived here for two years. Ask anyone out at Swift where he works, anybody at Los Compadres where he drinks, anybody in the socialist group, anybody that he knew, any friends, does he smoke? Have you ever seen him smoke? Nobody has. I guess that's just a mistake.

She also stated that she saw a belt, I believe, and she certainly stated that she heard a belt on the person that attacked her. Mark Curtis didn't have a belt. No belt was taken from him. What does that mean? You have to somehow reconcile the different positions. It's the state's job to answer those questions for you. That is their job. But you don't have to wrack your mind to do that. They're there to see that it happens (?).

Something else I find interesting is that ... of the opening statement. And in the opening statement by the prosecutor _

THUNE: Objection your honor, opening statements are not evidence.

THE COURT: I'm going to overrule that objection ...

PENNINGTON: Thank you your honor. In the opening statement by the prosecutor, she said there was a strange phone call received that night by Demetria Morris. And I think up until, perhaps, when Demetria testified, it was part of the state's case that the phone call was made by the attacker. And now I notice when she argued here today, she didn't mention that phone call. Apparently the phone call has nothing to do with it. And that's not what the evidence shows.

Is there any relationship between the person that called and the person that showed up on the door? Yes. First, I asked her who did the person ask for on the phone, and she just said, Keith and Bonita. She omitted Denise. I think the reason is, the state's case is that Mark Curtis was looking for this neighbor who he doesn't even know, barely knows, Keith and Bonita, and just happened to be there. So they want to downplay Denise. If Curtis had been asking for Denise, so he obviously couldn't be mistaken, looking for Keith and Bonita's house. And that's in fact the state's theory.

So I asked her, did the person ask for Denise, and she said, no. Then I showed her her deposition and it was read into the record. What happened? Answer by Demetria, I'm still watching TV. Around 7:30 I hear a phone call, and I ask Jason to go answer it but he wouldn't. So I get up and answer it. And a man's voice is on the phone, and he asks if a Denise or Keith was there? Or Bonita? But nobody ... lived there. And the man that knocked on the door, who did ask for? Did he just ask for Keith or Bonita, as the state would want you to believe? It would fit into their theory that Mark Curtis was there to meet this mysterious Keith or Bonita that he doesn't know. And she said I think he asked for Denise. And in fact, when I read to her the deposition, the person that came to the door asked for Keith and Denise.

I also asked her if she told the person who called whether or not her parents were home. She said I didn't say whether or not they were home. She said in the deposition, which was read into the record, I asked okay, what did you say. Demetria said no, my mom and dad aren't home right now, do you want to leave a message. Why is that important? Because that was information for the caller, the coast is clear. This person ... called to find out if Keith or Denise were there _ perhaps for a Bonita, to make it look more innocuous, less suspicious _ but asked for Keith or Denise. And if they weren't there ... that's the situation in a nutshell.

Another important factor is whether or not the person that called first was the person who opened the door. She said no... her testimony, that was read into the record, at her deposition earlier, before she knew, and the state knew, the evidentiary significance of the call, and that when it made no difference to the state whether or not the caller was the same person or not, and at that time, question, you don't recall who? After the incident happened, Mark Curtis called, and I recognized the voice. How do you know that? The way he sounded on the porch. Question: You recognized his voice? Answer: Yes. Question: Are you sure that was the individual that called you? Answer: Yeah. Question: So the same person that attacked you is the same person that called you at 7:30? Answer: Yes.... She said that back on May 31. That's where she knew ... from Mark Curtis was.

What could be more important in this case than time? What could more important in deciding that man's guilt or innocence than time? What time was the phone call?... Well, I asked her what time the call came, back in May. Under oath and she's ... Question: What happened? Answer: I'm still watching TV, and about 7:30 I heard a phone call. I just asked what happened, I didn't say, was it at 7:30, do you remember? I didn't say what happened. And she chose 7:30, she selected that time, rather than I.

Later on, this was read into the record. Question: How do you know the phone call was at 7:30? Here's her chance to back off of it, you know, I really don't know, you know maybe hey it wasn't at 7:30, maybe it was some other time. There's an opportunity. And her response, because of the show that was on, Video Soul. Question: What was on? Answer: Video Soul, or Video LP is what they call it. Question: Does that start at 7:30? Answer: Yeah, around 7:30. Question: And what is it about the timing of the show and the timing of the phone call that makes you believe it's 7:30? Answer: That is usually the time the show starts. The call came just as the show was starting, because there's a commercial that comes on before the show. Video Soul breaks with a commercial. Question: In other words, the call came just as the show was beginning? Answer: Yes. That is her testimony on May 31. We now are to believe that that's all a mistake, she lied about it then, or remembered it somehow better in here today, than it was on May 31.

What is also important is the timing of the knock on the door after the phone call. Clearly if someone calls and finds out that her parents aren't home, they're going to want to get over there very fast, to take advantage of it. You're not going to call, find out the parents aren't home and then come over an hour and a half later, because someone could get home by that time. So after the call ... Well, at trial, she wasn't sure. But on May 31 she was sure. Question, read into the record: What happened then after the phone call? Answer: A few minutes later ... a knock at the door and I told Jason to get it. A few minutes later, after the phone call. She said a few minutes. I didn't lead her, I said what happened after the phone call. Question: How many minutes? Answer: Five _ five minutes. She didn't have to tell me five minutes. She could have told me 20 minutes. She could have told me an hour. She told me because I asked her a simple, open-ended question...(Tape ends)

Other description and quotes taken from contemporaneous notes:

He said that if the knock at the door was at 7:35 PM, Curtis is innocent. If the knock at the door was 8:10 PM, Curtis is innocent.

Pennington said Demetria's reaction to the attack indicated it wasn't by a stranger. The normal reaction, he said, is either to fight back or submit, but instead there is a double reaction, squirming, resisting but not fighting, saying, "I'm not elastic." He said it was likely she knew the attacker. He said Jason wants to protect his sister, and this is shown when he tells the dispatcher, "uh, uh," when asked if his sister knew the attacker. He says Jason really said "uh huh," which means yes, not "uh uh," which means no.

"If he was caught with his pants down, then he's guilty," followed by attempt to cast doubt on whether Curtis's pants were down or the police pulled them down.

He said the police said they knocked and the door opened, while Demetria said there was no knock and no opening of the door. The doctor's note said Demetria said she had no top on when the police arrived, bu the police said she did have a top. There was no dirt on Curtis's underwear, no animal hair on Curtis' clothes, no black hair on Curtis's clothes. Why was there no seminal fluid? There was no physical evidence that Mark Curtis carried out a sexual assult.

He asked why the police did not fasten Curtis's pants, and aasked how could his billfold and keys fall out of his jeans on the porch. He said there was a conflict between the police on Curtis's position in the bedroom. Demetria said she saw Curtis on the bed with his penis hanging out. Gonzalez and Glade said it was not possible. He said there is one of two inferences _ they were pulling down his pants and were too busy to watch Demetria Morris.

Pennington asked rhetorically why the police would do this to Mark Curtis, and he cited a "Dirty Harry mentality" as the reason. However, he said that the two arresting officers were not part of any conspiracy. "We've alleged no conspiracy."

In reference to Curtis's story of what happened: "The issue is not whether such events are likely. Of course they're not likely. The issue is whether they in fact happened that way, even though they are very unlikely ... You usually don't have such evidence and a defendant maintaining he's not guilty."

He asked, why that house? What connects him to the Morris's. In a histrionic sally against the prosecution case, he said they must believe that "in a wild, impulsive mood, he decided to have her right there on the porch." He criticized the prosecution's "innuendo" on Bonita Brown.

Pennington said there was not time for Curtis to attack Demetria between 8:45 PM when he left his house and the time of his arrest. He said that the girl on the corner wasn't part of a conspiracy, that she picked Curtis at random, and added, "that's easy to make fun of and say it's ridiculous."

He said the prosecution couldn't explain the woman's glasses found on the porch. He suggested that maybe the person who attacked the woman is the same as the man who attacked Demetria Morris, so she's afraid.

The prosecution either had a random impulse theory or held that Curtis selected Demetria Morris out of all families in Des Moines. If it was planned, Curtis was not stupid and had no previous history of impulsiveness. People don't just change their stripes at age 29, he said.

He concluded by admitting that there was sufficient evidence to convict without the character evidence, saying, "I'm not stupid." Repeating the argument that Curtis's inability to present a defense was proof of his innocence, he ended by asking, "If he was innocent, what more could he present" than he did at the trial.

United Food and Commercial Workers UFCW/AFL-CIO & CLC

DISTRICT LOCAL UNION No. 431

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President and
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MICHAEL DEAN
Secretary-Treasurer

SERVING IOWA & ILLINOIS
OFFICE HOURS
MON. - FRI. 8:00-4:30

September 22, 1992

Mary Bertin
Chairperson
NAACP
Civil Rights Committee
451 Massachusetts Avenue
Boston, Massachusetts 02108

Dear Mary:

This letter is in response to our telephone conversation on September 15, 1992. In that conversation, you inquired as to whether United Food and Commercial Workers (UFCW) District Local Union 431 has taken a position in support of Mark Curtis or the Mark Curtis defense committee. The answer is no. The only position taken by UFCW Local 431 was to condemn police brutality in any form.

Sincerely,

DISTRICT LOCAL UNION 431

Denny Wubker

Denny Wubker
Union Representative

DW/tab

Enclosure

RESOLUTION NO. 5

Subject: MARK CURTIS

Referred To: RESOLUTIONS COMMITTEE

Submitted By: SOUTH CENTRAL IOWA FEDERATION OF LABOR, AFL-CIO, 2000 WALKER, DES MOINES, IOWA

WHEREAS: A concerted and long-running campaign has been mounted to portray Mark Curtis, convicted of the rape of a 15-year old black high school girl in Des Moines, Iowa, as a martyr of the labor movement; and

WHEREAS: There is overwhelming evidence of Curtis' guilt, as he was arrested on the spot, in the midst of the attack, and identified in court both by the victim and her 11-year-old brother; and

WHEREAS: Curtis was not arrested because of any activities related to or supported by the Iowa AFL-CIO and there is no connection between Curtis's case and the Iowa Labor Movement; and

WHEREAS: The father of the victim, Keith Morris, has a long association with the labor movement, being the first black member of the cement mason's union in Iowa and later active in labor-backed campaigns to improve the social conditions and public services in the black community in Des Moines; NOW, THEREFORE, BE IT

RESOLVED: (1) The Iowa Federation of Labor, AFL-CIO, exposes the Mark Curtis defense campaign and declares publicly that there is no association between this campaign and the trade union movement in Iowa.

(2) The Iowa Federation of Labor, AFL-CIO, urges the national AFL-CIO and all state and central labor bodies and affiliated unions to refuse any support to the Mark Curtis defense campaign and to rescind support where it has already been given.

(See other Side)

RESOLUTION NO. 5 (Continued)

(3) The Iowa State Federation of Labor, AFL-CIO, extends its condolences and best wishes to the victim and her family and regrets that the good name of the labor movement has been, through false pretenses, in any way associated with the Mark Curtis campaign.

Perry J. Chapin, President

Barbara Post-Althaus, Secretary

opeiu37aflcio

Adopted

As per recent conversations between Boston NAACP and Louis De Frieze, State President and International Vice-President of United Food And Commercial Workers AFL-CIO, and Danny Wubker, Union Representative of United Food and Commercial Workers AFL-CIO, this resolution was presented at the November 1991 State South Central Iowa Federation of Labor conference. Fourteen members of Curtis' union, Local 431, were delegates to this conference. Not one of the fourteen delegates contested this resolution or its language. The resolution was passed unanimously.-Mary Bertin, Chairperson, Civil Rights Committee, Boston Branch NAACP.

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Rape and the Mark Curtis Campaign

The case of Mark Curtis is not a local one, but the campaign to free the Des Moines, Iowa activist has been brought to the attention of the Boston labor, African-American, and feminist communities. The Labor Page was approached last year by the Mark Curtis Defense Committee to include an article in support of Curtis. We called the Des Moines Rape Crisis Center who gave us quite a different story.

The facts in the case are, to say the least, hotly disputed. No one questions that the prosecution of Mark Curtis was particularly vindictive because of his reputation as an outspoken political activist. That is a separate issue, however, from whether or not he raped someone.

I have before me about 50 names and organizations from New England who have signed on as sponsors to the Mark Curtis Defense Committee. I have another list of about 600 endorsers from around the country and around the world. While the organizations on these lists are "for identification only," they range from unions and women's committees to peace, community, and minority groups.

I also have here a pile of papers documenting the case of Mark Curtis. One newsletter starts:

> Mark Curtis, a union and political activist from Des Moines, is serving a 25-year sentence at the state prison in Anamosa, Iowa. He was framed up on charges of rape and burglary and savagely beaten by the Des Moines police after his arrest. Today he is fighting for his right and the right of other prisoners to be politically active and in contact with the world.

In newsletter after leaflet after clipping, Curtis is "fighting to unify workers, a defender of immigrant rights and of the rights of women." People are urged to sign on and donate to the Defense Committee in order to protect Curtis' right to be politically active inside prison and to continue to fight for his freedom.

There is one word in the paragraph quoted above that requires special attention: rape. It is not traditionally a labor issue, nor even a political issue. But I'm going to put Mark Curtis to the side for a moment and talk about rape.

Someone You Work With

More than one third of all women are raped at some time in their lives. That is a tremendous number of women, and since that is an FBI statistic, it is also a conservative estimate. Chances are that you know several women who have been raped.

There are no statistics on how many men are raping these women, but there are clearly a lot of rapists. Chances are that you know several men who have raped. Most often, it's someone you trust.

From the rape statistic alone, it should be obvious that women face a different day-to-day reality than men. If we also consider sexual harassment on the street and in the workplace, battering on women in the home, and purchasing of women in prostitution and pornography, then it should be obvious that violence against women plays a large role in determining the totality of women's social, economic, and political realities. It is no coincidence that women also lack access to good jobs, that women perform domestic labor at home without pay, and that women receive lower pay in the workplace for jobs comparable to those of men.

Labor organizing often rests on the commonality of being working-class. But can female and male workers organize together without taking into account the vast differences in day-to-day, social, economic, and political power between them? The great danger in blending together real differences in power, as if each of us can stand in for one another, is that labor solidarity becomes mere rhetoric, and the potential for true equality disappears.

Case in Point

Mark Curtis was convicted last year of third degree sexual abuse of a 15-year old African-American woman from a working-class family. Her 11-year old brother testified that he caught Curtis in the act and called the police. She has stated that she continues to suffer harassment from the campaign and from the mobilization against her tesimony.

By blurring together the issues unionism, racism, organizing, red-baiting, police brutality, and victimization, the Defense Committee has turned Curtis—a white male found guilty of raping a young, African-American woman—into a victim of political persecution.

With so much confusion of political content, many people ask, isn't it possible that he didn't do it? This question needs to be addressed, since it is asked so often by so many.

Briefly, here are my responses. Most importantly, a woman says very clearly that she was raped by Mark Curtis. If someone has questions about Curtis' guilt or innocence, he or she should not be supporting, donating, and endorsing the Defense Committee, as so many have done. And even if one believes Curtis is innocent of rape, a woman's testimony requires more serious consideration than the Defense Committee has shown by organizing against her, particularly when it claims to be working on behalf of women's rights.

Frankly, it is agonizing and frustrating to see so many activist people signed on to the cause. Why are people so quick to sign on? The answer is the way Defense Committee portrays Curtis as a victim of racist, anti-union forces, and many of us can identify with that kind of victimization. But that doesn't even begin to address the issue of rape, or the victimization of women by men. While the Committee's long-term impact is uncertain, their immediate message is: this time, the man is really innocent... and look at all the good things he does... and once again, don't believe a woman when she says she was raped.

There are many more intricacies and plot twists to this story than can be detailed here. Independent research with various unions, minority, and community organizations in Des Moines contradicts the literature from the Defense Committee. I also have a copy of the transcript from the trial. I will be making this information available to Boston-area endorsers and anyone else who is interested. These issues have to be resolved, not only because of Mark Curtis, but because how labor and community activists relate to sexual assault is key to organizing with women.

Barry Shuchter

Mark Curtis Reply

Recently we received a letter from Russ Davis, in response to an article in the Apr May 1990 issue of The Labor Page.

This is in reply to an article by Barry Shuchter, entitled "Rape and the Mark Curtis Campaign." In the brief space I have I'd like to present why I believe this article undermines support for an important defense effort on behalf of a union and political activist who was framed and is currently serving 25 years for a crime he did not commit.

Mark Curtis worked at the Swift meatpacking plant in Des Moines, Iowa, notorious for its brutal working conditions. He was arrested on March 4, 1988, shortly after attending a protest meeting in response to an INS raid on the plant in which 17 undocumented workers were arrested. Mark helped lead the protest and work stoppage that resulted in the eventual release of all 17 workers. He had also participated in a protest the week before against racial harassment by local police. Mark was charged with attempted rape of a 15 year-old Black woman he had never met or seen before.

Shuchter's article presents no facts to dispute those of the Defense Committee. However it is based on the *facts of this particular case* (not whether rapists in general should be jailed which they obviously should) that groups and individuals have endorsed the case. These include the Southern Christian Leadership Conference, Alabama N.O.W., Ed Asner, Leslie Cagen, Victor Reuther, Margaret Randall, and over 8,000 others around the world. Mark's case was brought before the United Nations' Commission on Human Rights which is monitoring it. In Des Moines itself many unionists and other activists, including the Des Moines Human Rights Commissioner, Alfredo Alverez, support the case.

Briefly some of the facts are:

1) Mark was severely beaten by the police who are under investigation by the Justice dept. for systematic racism and brutality.
2) Mark did not receive a fair trial. He did not have a jury of his peers and the judge suppressed evidence in his favor such as the arresting cop's history of lying, that Mark was spied on by the FBI for his activity in CISPES, his beating, the fact his sister was a victim of rape, and more.
3) The woman's description did not match Mark in key ways.
4) There is no physical evidence linking Mark to the crime.
5) Undisputed testimony put Mark with dozens of co-workers when the attack is said to have occurred.

Mark is appealing his conviction and remains politically active in prison. A countercampaign has been organized by the prosecution spearheaded by a group called the "Workers League," which specializes in the disruption of strikes.

This case is not about rape but about a frame-up using a rape charge. The Defense Committee has never harassed the woman and considers her a victim of this frame-up too. However there have been cases (Scottsboro Boys, etc.) where rape has been used in frame-ups. The fact that Mark is white does not change that. The false conviction of an innocent person does not help, but in fact hurts, the fight against rape and the efforts to force the police and courts to deal seriously with the majority of rape victims, especially Black and Latina, who they routinely ignore.

Mark Curtis deserves our support: for more information contact the New England Supporters of the Mark Curtis Defense Committee, 605 Mass. Ave., Boston, MA 02118; (617) 247-6772.

Russ Davis

Barry Shuchter responds:

My original article in The Labor Page still stands in response to the seemingly powerful assertions of Russ Davis and the Mark Curtis Defense Committee. Their reply to my article stands as testimony to their continued use of racial and political misdirection in order to explain why one particular white man couldn't be a rapist.

To take an example from the "facts" listed in their letter, Curtis had an alibi during the time "the attack is said to have occurred." Curtis maintains that the rape occurred between 7:30 and 8:00 p.m., while he was in the Los Compadres bar. According to the trial transcript, the only person who said the rape occurred before 8:51 p.m. (20 minutes after Curtis left the bar) was Curtis' attorney. The victim herself said under cross-examination that she didn't know the exact time the rape began. Her little brother; who witnessed the rape and called the police, as well as both arresting officers, the 911 dispatcher, and the 911 computer log, all have the rape occurring at about 8:51 p.m. Since neither Curtis nor his defense attorney ever alleged during the trial that the 911 call was faked, that the victim's brother was lying, that the 911 dispatcher perjured herself on the stand, or that the computer record was faked or tampered with, the 8:30 alibi is worthless. The other "facts" in the letter are at least as flawed.

The one fact from the case and from my article that they continue to downplay is the fact that a young woman positively identified Mark Curtis as her assailant several times throughout the trial. Yet, the word of Mark Curtis is accorded the full weight of "fact." Since neither Russ Davis nor I were present at the scene, the facts we each choose to believe reflects our political decisions. *Since none of us knows for sure,* I am asking people to actively unendorse, as many have already done. Unendorsers include: the Vice President of the United Mine Workers Union District 2, the Secretary of United Paperworkers International Local 14, and the Salt Lake City NAACP Legal Defense Committee. The following have refused to endorse: Curtis' own union—UFCW Local 431, the Iowa Federation of Labor, the Des Moines League of United Latin American Citizens, the Iowa Socialist Party, Iowa NOW, Des Moines NOW, and the Des Moines NAACP. Curtis events in Des Moines have been picketed by members of the National Black United Front. Perry J. Chapin, President of the South Central Iowa AFL-CIO, has denounced the Curtis campaign and has warned the membership to beware of Curtis materials.

My information comes from independent research (such as the full trial transcript), which I will make available to local endorsers and to anyone else who is interested.

Rape Myths and the Mark Curtis Case

The italicized text below represents several dangerous myths about rape which have been exploited by the Curtis campaign. Following each is an explanation of how the myth dynamic plays out against the reality of rape.

You can tell a rapist by his appearance and day-to-day behavior, with the corollary being that "politically correct" men do not rape.

- The Curtis Defense Committee openly exploits this mythology. Their video, "The Frame-up of Mark Curtis," discusses at length Curtis' pro-labor sympathies, his good work on Central America, his concern for Native Americans, etc. His defense attorney contends that because Curtis has never before publicly displayed sexually maladaptive or aggressive behavior, chances are he isn't a rapist. This conception of rapists as being obviously different from "normal" men is untrue.

  In reality, no society, socio-economic class, racial or ethnic group, political organization or profession is free from rape. In each of these categories, the percentages of men who rape is about the same. Promoting the idea that Curtis' politics make it unlikely that he is a rapist contributes to our society's social denial of the who, where, and how of rape and sexual violence, which is an important factor in its continuation.

White men from middle class backgrounds don't rape; they don't rape women of color; most rapes are committed by men of color.

- Here, the mythology of sexism combines with the mythology of racism. While every study and statistic we have identifies the majority of rapists in this society as white heterosexual males, the ugly fact is that often the word of a white male perpetrator is taken more seriously than that of a female victim of color. We believe that this thinking is an important dynamic at work in the success of the Curtis endorsement campaign.

Rape victims can't be believed or trusted; they lie or are easily deluded; rape is widely used by women and girls as a means of harassing and intimidating innocent men.

- The Curtis Defense Committee directly exploits the myth of "lying or deluded women." Much of its material about the so-called "frame-up" focuses on alleged inconsistencies and mistakes in the survivor's testimony. Indeed, the *only* way Curtis can argue his innocence is to maintain that the survivor and her brother are either lying or mistaken. Their father has been charged with being a possible accomplice to the alleged police conspiracy. And members of the stop-rape and feminist communities in Des Moines have been accused of working "most closely with the cops," of wanting to convict innocent men of rape no matter what.

  In fact, more than ninety-eight percent of all rapes reported to the police actually occurred as described by the victim. Women and children rape survivors don't lie about their experiences, and the fact that they are often disbelieved is another reflection of society's sexism, not the reality of their experiences. The truth is that sexual crimes against women and girls, especially against women and girls of color, are vastly *under*reported.

The problem isn't as bad as all that, or isn't as important as "real" political problems; the stories one hears are exaggerations or falsifications; women use charges of rape out of spite or to get back at former lovers.

Men in general use this mythology to deny their responsibility for ending rape. These myths are also used to support a backlash against the stop-rape movement by men concerned with losing their personal privilege in a society taking even the smallest steps toward gender justice.

Similarly, the Curtis Defense Committee has used the trial transcript, including the survivor's own words, in ways calculated to undermine her credibility. We ask that anyone reviewing this or any rape case be aware that the trial transcript, even the survivor's own words, are not necessarily an accurate record of her *experience*. Testifying in an open court before a dozen strangers with the perpetrator present and his attorney attempting to undermine your account is not the most empowering way for a survivor to tell her story.

Tactics which make use of these myths threaten to undermine the work of the stop-rape movement, to reinforce damaging and demeaning myths about rape and rape survivors, to encourage male backlash, and to divide feminists (and civil rights groups) from progressive labor, peace, and justice communities. Those who, out of ignorance or sexism or racism, endorse Curtis' campaign need to be held accountable for that decision. They need to understand how their endorsement helps to re-victimize, to perpetuate rape and sexual violence.

Fact Sheet on the Mark Curtis Case

The Mark Curtis Defense Committee has published an enormous amount of material since 1988, in their attempt to demonstrate that Mark Curtis is the victim of a police conspiracy. These materials—pamphlets, newsletters, articles in the Socialist Workers Party newspaper The Militant, a half-hour video by filmmaker Nick Castle—make a series of claims about the testimony of the girl he assaulted, the fairness of the trial, and Curtis' activism. In contrast, we offer the following facts.

- Mark Curtis, a 29-year-old white man, was arrested in March 1988 for sexually and physically assaulting a 15-year-old African-American girl in Des Moines, Iowa. He was arrested at the girl's home. Curtis was found guilty in September of that year, and all his subsequent appeals have been denied.
- The girl and her 11-year-old brother positively identified Curtis as the assailant and continue to do so. The brother had witnessed the assault and called the police while it was happening.
- The Curtis Defense Committee has since engaged in a campaign of harassment against the girl and her family: they distributed leaflets at her high school, videotaped her family in front of their house, posted flyers on their block, and hired a private investigator to discredit them.

The following are our responses to assertions made by the Curtis Defense Committee. The italicized material in quotes is taken from a representative Committee pamphlet, entitled "Who is Mark Curtis?"

"Not a shred of evidence was presented that Mark Curtis committed any crime."

- According to this statement, the Curtis Defense Committee does not consider the word of an African-American girl as evidence. Her identification of Curtis at the scene of the crime as the man who had just raped her; her sworn statement at the May 1988 deposition at which she positively identified Curtis; her sworn testimony at the trial where she pointed to Curtis and said, "He's exactly who did those things to me on the porch"—these constitute more than "a shred of evidence."

"Witnesses proved... that he was at Los Compadres at the time the young woman... insisted she was attacked."

- The "young woman" never "insisted" anything about the time of the attack. At the trial, she said repeatedly that she didn't know what time the attack began. The Curtis Defense Committee maintains that Curtis had an "alibi," since he produced a witness who said he didn't leave the Los Compadres bar until 8:30. However, the survivor's brother, the 911 dispatcher and her computer log, and the arresting officer all say the attack began after 8:50, defeating any question of an "alibi."

  Demetria was a strong and courageous victim, and fought back when Curtis' attorney attempted to make her out as muddled and confused. At one point, exasperated by his badgering about the exact time of the rape, she shot back, "I didn't have a watch to tell you." In the same way, she responded to his questioning about Curtis' exact height by saying, "At the time he was at the door I didn't, 'Oh, wait just a minute... how tall are you?' I didn't know how tall he was."

"Even the forensic expert was forced to admit 'the evidence as far as I'm concerned does not tie either of the two together.'"

- Forensic expert Paul J. Bush also stressed in his testimony that the kind of evidence they were discussing occurs in less than five percent of all rape cases.

"Curtis did not have a jury of his peers."

- As peers, the Defense Committee lists "Blacks, Hispanics, farm workers...." Curtis, a college-educated white male from a middle class background, was tried by an all-white jury. The judge was white, as were both prosecuting and defense attorneys. For Curtis to identify himself with people of color, Latinos and farm workers, is condescending and arrogant. It is a cynical effort to co-opt the oppression of others in an attempt to save himself. If anyone has a right to complain about the composition of the jury in this case, it is the girl he assaulted.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

451 Massachusetts Avenue, Boston, Massachusetts 02118 617-267-1058

October 22, 1992

Dear Activist,

Within the past few months, you have received our informational packet on the Mark Curtis rape case. As you can see below, the list of disendorsers has been growing as the truth about the case has come to light. It is very important that we continue to get the word out about the true facts of the case and to obtain disendorsements from as many endorsers as possible.

To update you, I have enclosed several recent pieces of information. I am enclosing an article by Ann Russo on the case and our disendorsement campaign that appeared in the October 1992 Sojourner: A Women's Forum. Also enclosed is a resolution passed unanimously by the South Central Iowa Federation of Labor in November 1991 which denounces the Curtis defense campaign and urges "all state and central labor bodies and affiliated unions to refuse any support to the Mark Curtis defense campaign and to rescind support where it has already been given." I've also enclosed a letter from Curtis' district Local 431 indicating that they have not supported Curtis either. Both of these illustrate that, contrary to Curtis' Defense Campaign, he does not have the support of the local and regional labor movement. We also want to let you know that the Socialist Workers Party has misrepresented Amnesty International as supporting Curtis. According to the Amnesty International London office, they investigated the case and the evidence as reviewed "did not suggest that he had an unfair trial" nor were they able to"question the judgement of the jury on this [his conviction]." And they "never sent the Defense Committee a letter of support."

Finally Curtis is scheduled for a parole hearing on November 17, and chances are good that he will be released early. Due to a severe financial crisis in the state of Iowa and severe overcrowding in the prisons, the Iowa correction department is releasing prisoners early on parole. It is crucial that we not allow the SWP to use his early release as evidence of his innocence nor as a victory for their campaign. The real victim here is Demetria Morris. Of this there can be no doubt.

Your active help is still urgently needed in our efforts to seek justice for Demetria. We are asking that you contact the endorsers of the Mark Curtis Defense Committee, explain to them the true facts of this heinous crime, and encourage them to rescind their support for Curtis. If you have already disendorsed, we thank you for doing so. We are asking that you also publicize your reasons for disendorsing. Please contact the NAACP office if you need the international list of endorsers of the Mark Curtis Defense Committee.

Those of you who have not withdrawn your support for this child rapist, we are asking that you consider doing so immediately. If we can be of any assistance to you, please contact us.

We strongly urge you to reproduce and widely circulate this material. Thank you for your time and help.

Sincerely,

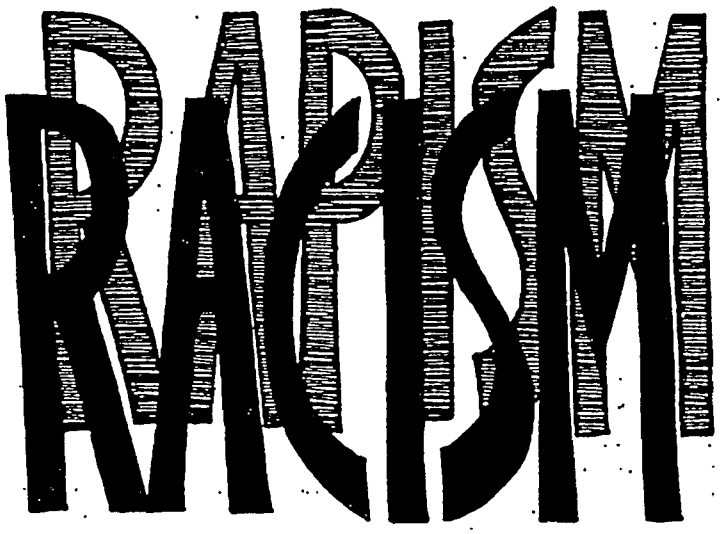
Louis Elisa
President,
Boston Branch, NAACP

Mary Bertin.
Chairperson,
Civil Rights Committee
Boston Branch NAACP

The growing list of disendorsers includes:
Daniel B. Schirmer, National Committee, Friends of the Filipino People, Cambridge, MA
Gil Green, New York, NY
Howard Zinn, Author, Auburndale, MA
Robert Meeropol, Springfield, MA
John W. Roberts, Executive Director, Civil Liberties Union of Massachusetts
Juan Vargas, Puerto Rican Civil Rights Committee
Paul Sweezy, Editor, Monthly Review
Rev. Graylon Ellis-Hagler, Church of the United Community
Rev. Dr. William E. Alberts, Community Church of Boston
Herbert Aptheker, historian
Gene L. Bruskin, Organizer, LDCIU, local 66, Boston, MA
Comite Hondurano, Boston, MA
Jeff Crosby, Executive Board member, IUE 201, Lynn, MA
Margaret Randall, Writer-photographer, Albuquerque, NM
Judith Stitzel, Director, Center for Women's Studies, West Virginia University, Morgantown
American Federation of State, County and Municipal Employees (AFSCME), Executive Board local 1489, Boston, MA
Daniel B. Brenner, President, Laundry Workers, local 66, Somerville, MA
Thomas C. Deary, International Representative, IUE District 2, Nashua, New Hampshire
Mel King, Boston, MA
Brian Lang, Organizer, Hotel Workers, local 26, Boston, MA
Eugene 'Gus' Newport, Executive Director, Dudley Street, Neighborhood Initiative, Boston, MA, former Mayor, Berkeley, CA
Service Employees International Union local 509, Boston, MA
Dave Slaney, President, USWA, local 2431, Cambridge, MA
South Middlesex NOW, Framingham, MA
Pam Valadez, President, Greensboro, NOW, NC
Executive Board, AFSCME Local 1489
Ange Collela, International Rep., IUE District 2
Patti Williams, Hotel Workers Local 26
Rand Wilson, Labor Organizer
Paul Cannon, Teamsters local 122
Mei Chu Lui, Pres., AFSCME local 148
Service Employees International Union local 509, Boston, MA
C.O.P.E. SEIU, local 509
Chip Berlet, National Lawyers Guild
Walter Brooks, Pres., Ossining, NAACP, NY
Sister Mary-John Mananzan, National Chairperson, Gabriela, Manila, Philippines
Toshi and Pete Seeger
Michael Ratner, Center for Constitutional Rights, New York, NY
Bob Clark, Regional Representative, Midwest Coalition of Black Trade Unionists, Milwaukee, WI
Helen Grieco, Executive Director, NOW, San Francisco
Mary Jobin, Boston, MA

Mark Curtis: When Racism Equals Rapism

by Ann Russo



Recently I've been confronted with a rape case that is genuinely disturbing, if not enraging. A case that clearly illustrates the racist ignorance and denial of sexual assault that continue to permeate the progressive community, especially when the assaults are perpetrated by white men against African-American women. This is the case of Mark Stanton Curtis, a white male member of the Socialist Workers Party (SWP), who was arrested for sexually assaulting a fifteen-year-old African-American girl, Demetria Morris, at her home in Des Moines, Iowa, in March 1988. According to the testimony of the young girl, Curtis forced his way into her home, threatened her, beat her, and sexually assaulted her on the floor of the family's enclosed front porch. Curtis was arrested by two police officers at the scene of the crime. They were responding to a 911 call placed by the survivor's eleven-year-old brother, who witnessed the assault from another room. Curtis, a white man, was convicted by an all-white jury in September 1988 and sentenced to 25 years in the Iowa state prison for third-degree sexual assault (10 years) and first-degree burglary (25 years, the minimum sentence under Iowa's mandatory sentencing rules).

Now, one would hope that the case would be settled and that we could all move on in our lives to fighting against the epidemic of rape in this country and for social justice in all areas of our lives. But, as usual, it's never that easy. Since the arrest, the SWP, under the auspices of the Mark Curtis Defense Committee, has orchestrated an international campaign defending Curtis on the grounds that he was the victim of police brutality and that he was framed because of his "union and political activities." They consistently downplay the rape, dismiss it as irrelevant, and even say that the victim lied and that her brother's corroboration is untrustworthy because of his age.

They have raised hundreds of thousands of dollars (some estimate over $2 million) and have gathered over 8,000 endorsements from labor, progressive, peace and justice, civil rights, and feminist activists and organizations. Feminist support includes individuals (among them, women's studies professors) and sometimes whole chapters of the National Organization for Women, as well as individuals associated with Women for Racial and Economic Equality, the Coalition of Labor Union Women, and the National Abortion Rights Action League.

While the SWP/Mark Curtis Defense Committee has gained international support for Curtis, many in Des Moines, Iowa, do not believe his story. The groups he claims to be politically representing in his battle—the workers from Swift Meatpacking Company and the immigrant community—did not testify on his behalf nor are they involved in the campaign for his defense. Curtis is *not* supported by the Des Moines Rape Crisis Center, the Des Moines NAACP, or the South Central Iowa AFL-CIO. But, unlike the SWP, these organizations did not have the resources, time, or money to build a defense campaign for the victim.

Over the years, a number of individuals and one organization have tried to challenge the defense campaign for this white man convicted of raping a young African-American girl. Martin McLaughlin of the Workers League; a historic enemy of the SWP, was one of the few progressives who supported the rape survivor and her family. He investigated and followed the case and published *The Mark Curtis Hoax: How the Socialist Workers Party Tried to Dupe the Labor Movement*. The Workers League also helped subsidize a letter from Keith Ingalls, a Des Moines resident, supporting Curtis. A few others also conducted investigations and tried to spread the word. Barry Shuchter of Men to End Sexual Assault questioned and investigated the case as soon as he found out about it. He tried to challenge Curtis's support among labor activists in the Boston area. His article, "Rape and the Mark Curtis Campaign," in *The Labor Page* (April/May 1990), resulted in an exchange between himself and Russ Davis of the Boston SWP in the following newsletter. Fred Pelka, also of Men to End Sexual Assault, wrote an excellent exposé of the case, "The Strange Case of Mark Curtis: Victim or Victimizer"(*On the Issues*, Spring 1991). But no one had the resources nor the credibility to get people to take the issue seriously—that is until recently.

Efforts to challenge the propaganda of the defense committee escalated this past spring when Mary Bertin, on behalf of the Boston NAACP, got involved. Anita Saville of the Lowell Chapter of NOW had mentioned the case to Bertin who then conducted an investigation for the Boston NAACP. When she found that Mark Curtis was guilty of rape and that his claims of police frame-up were a sham, she initiated what she calls "a movement of truth to stop the campaign and its continued victimization of Demetria Morris." A group of us, including Barry Shuchter, Fred Pelka, Anita Saville and others, including myself on behalf of White Women Against Racism and Violence Against Women, have been directing our efforts towards supporters of Curtis, encouraging them to disendorse his defense campaign.

Most endorsers we have contacted have said that they were never given all of the information—some had been told only that Curtis was a victim of police brutality and a frame-up. Some claim they did not know that he had been convicted of raping a young African-American girl. As Mary Bertin says:

The Mark Curtis Defense Committee has been able to generate such an enormous amount of support for themselves because there has been no one out there approaching [these supporters] with the true facts. For the past four years, [the SWP has] literally had the reign of the world, and that has to end. I felt the NAACP could be her voice, and so we designed a campaign to inform people of Demetria's story. Our purpose is to get the true facts of the case to as many progressive activists and Mark Curtis

With the backing of the NAACP, some endorsers are more willing to listen to Demetria's story and to seriously reconsider their support for the defense campaign. And many are now disendorsing, including local activists Eugene "Gus" Newport (Dudley Street Neighborhood Initiative), Juan Vargas (Puerto Rican Civil Rights Committee), Mei Chu Lui (AFSCME Local 1489), Daniel "Boon" Schirmer (National Committee, Friends of the Filipino People), and Mel King (Boston, Massachusetts). Others who have disendorsed include attorney Robert Meeropol and John Roberts (Civil Liberties Union), writers Margaret Randall and Howard Zinn, and historian Herbert Aptheker, as well as organizations such as South Middlesex NOW, Comité Hondurano, and the executive board of AFSCME Local 1489.

The Curtis defense campaign has been using endorsements, especially from prominent leaders and nationally recognized organizations, to give the campaign legitimacy, obtain more signatures, and raise more money. And here also we've found misrepresentation. When Bertin launched the NAACP's countercampaign, she first contacted those NAACP individuals and chapters listed as endorsers to find out why they were supporting Curtis. What she found is that at least some of the individuals and chapters do not even exist. For instance, they list a James Bond as president of the Atlanta NAACP. But there is no James Bond with the Atlanta NAACP, and Julian Bond, a past president, absolutely does not support Curtis. They also list a Vaughn Goodwin as president of a Temple branch NAACP in Philadelphia, but there is no such chapter. The defense committee's disrespect and misrepresentation of the NAACP is a further illustration of the illegitimacy of their campaign.

Some activists wonder why we are making such an effort to stop the Curtis defense campaign. One major reason is that it is *not* simply a *defense* campaign but a harassment campaign against Demetria and her family. It is a rape survivor's worst nightmare—just the thought of such a support campaign in defense of a rapist stops many women, especially women of color who have been raped by white men, from speaking out about sexual assault. In this case, the rape survivor faces an international progressive community that supports this white male rapist and that, as far as she is concerned, has no interest in hearing her story nor any concern about the effects of the rape on her life.

young working-class African-American girl living in Des Moines, Iowa, a midwestern city with a very small African-American community. Imagine what it must be like to be brutally raped and beaten by a white man who, when arrested and held accountable for the rape, defends himself on the grounds that he is a "fighter for women's and Black rights." Imagine being continually reminded in the local newspaper that he has international support, in the form of endorsements, letters, and money, from a broad left and progressive community who believe him, who don't believe you. Imagine having rallies in your hometown with speakers from all over the world who deny or dismiss your experience, and, instead, glorify all of the good things that the man who raped you has done for the community, your community.

Imagine the week before the trial, being greeted at your high school with fliers featuring pictures of the man who raped you, proclaiming his innocence, and accusing you of lying. Imagine being on the witness stand, having to recount the horrific details of the assault, in front of this white man, a jury of mostly white women and men, and a courtroom full of Curtis supporters scrutinizing your every word. Imagine hearing the claim later that this white man did not have a jury of his peers because there were no Blacks or Hispanics on the jury, you an African-American girl. Imagine all these actions being done in the name of social justice.

And it doesn't end. Imagine exactly one year to the day when you were brutally raped and assaulted, not only living through your own recurrent nightmares and memories, but facing yet another rally in your hometown, advertised as a "celebration of the first anniversary of the growing fight to win freedom and justice for Mark Curtis" and featuring a video that includes a clip of you and members of your family in front of your house, filmed without your consent or knowledge. There is no relief for this rape survivor and certainly no safety or support for her among these so-called progressive individuals and organizations.

This kind of campaign can only be characterized as vicious and hateful. And this viciousness inevitably spread, as it would in a country so deeply rooted in racial hatred: soon after the trial, an image of a cross was burned in the front yard of the Morris house. I'm not claiming that the SWP was directly involved in this hate crime, but I hold them responsible for creating the hysteria and backlash that resulted in its occurrence. The SWP/Mark Curtis Defense Committee could not have led such a full-scale harassment campaign had Demetria and her family been white and middle class.

How has Mark Curtis and his defense committee gotten away with this? Easy—relying on racism and sexism while at the same time cynically appropriating the rhetoric of social justice for their own benefit. Curtis and his defenders dismiss the rape first by focusing on *his* victimization at the hands of the police. After he was arrested, Curtis was beaten by the Des Moines police. His defense committee uses this as evidence of his innocence and as confirmation that the police were conspiring against him. However, having been beaten does not make Curtis innocent of the charges of sexual assault. Nor was Curtis necessarily singled out for his politics—the unjust reality is that many people who are arrested in Des Moines face police brutality. Curtis and his defenders are right—this brutality should be loudly and publicly protested. In January, Curtis won a lawsuit against the two police officers (not

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night he was arrested. He was awarded $11,000 plus interest and attorney fees and expenses. The defense committee, however, has sensationalized his victimization as a way to erase his role in brutally assaulting and raping Demetria Morris.

The SWP's Mark Curtis Defense Committee consistently refuses to address the rape and to take responsibility for the impact of their campaign on the rape survivor and her family. Ignorance about sexual assault and racism in the progressive community has made it easy for the defense committee to make Demetria's life experience invisible. Sexual assault is still not an issue on many progressive agendas, and many do not understand its connection to racism—particularly in the case of white men who rape Black women. Many activists signed on simply assuming, without question, that the charges of rape were false. As Bertin says:

The fact that Demetria and her family are African American is the reason why they [the defense committee] had no qualms whatsoever in engineering this very elaborate, sophisticated campaign, and I think that they were relying on the fact that Mark Curtis is white, and would be easily believed, more so than Demetria. I don't think they ever really sat down and gave any thought to any one really looking at the true facts of the matter as opposed to Mark's race.

They've successfully used one of the more common sexist and racist methods of denying the facts of rape by white middle-class men—they hyperinflate the white man's character. The defense campaign emphasizes Curtis's personality, political views, and social activism as if these cancel out not only his capacity to rape but the rape survivor's experience. It's the ideology that so-called "good men" (which in this country translates into white men) don't rape. They assumed that because Curtis was white, nothing else would matter. They were wrong about the judge and jury but right about the progressive community.

Another strategy of rapists and their defenders is to deny or distort the evidence. The defense committee claims throughout their literature that there was no evidence linking Curtis with the rape, which absolutely defies the facts of the case. When the police arrived, Curtis was found with his pants down. The victim, beaten and bruised from the sexual assault, naked from the waist down, crying, pointed to Curtis and said, "He just raped me."

Even Curtis and his defenders do not deny that Curtis was at the scene of the crime, and, when pressed, they cannot deny that the victim was sexually assaulted. They offer two explanations for his predicament: they claim that he was framed *after* the police realized that he was a political activist involved in a union struggle at the local meatpacking plant or they offer a complicated story of a mystery woman who got Curtis to the Morris's house right after Demetria Morris was raped (by someone else?) so he could be arrested for her assault. Neither of these claims has ever been substantiated and none address the positive identification of Curtis by the survivor and her brother in their home at the time of his arrest.

This case is remarkable not for its evidence of state repression against political activists but for its astounding resolution in Curtis's conviction. When the predominantly white jury convicted this white man for the sexual assault of a young Black girl, it was a decision against the grain of this country's history and tradition. The sexual assault, rape, and murder of Black women by white men in this country has gone virtually unrecognized. As Jennifer Wriggins's study of rape law and racism indicates:

From slavery to the present time, the rape of Black women has been denied by the legal system. During slavery, the rape of Black women by Black men was legal. The rape of Black women by white men was frequent, legal, and a crucial weapon of white supremacy. After the Civil War, the legal system's continued denial of the rape of Black women was manifested in discriminatory doctrinal rules and judicial language. Today Black women continue to suffer rape in disproportionate numbers, while the criminal justice system still takes the claims of Black rape victims less seriously than the claims of white victims.

African-American women are eighteen times more likely to be raped than white women, yet very few of these cases are given any public recognition or response. It is *extremely rare* to get a conviction of a white man who has raped an African-American girl or woman—the evidence has to be overwhelming, as it was in the case of Mark Curtis.

The SWP and its defenders use this history *not* to support the rape survivor but to further attack her. They say that Curtis must be innocent and the victim of a frame-up because it is so rare that white men are convicted of raping Black women. With this incredible logic, we might as well forget prosecuting white men altogether. This kind of political analysis reeks of racism and race-bonding at its worst.

One of the reasons Curtis defenders are able to make such a claim is that they manipulate another aspect of the history of rape and racism in this country to get Curtis off the hook. Despite the fact that Curtis is white and his victim is Black, they say he is a victim of a "racist frame-up." One Curtis defense leaflet, put out by so-called feminists, says: "This case is yet another example of the police using rape charges to try and achieve their own political agenda against a political activist. For example, in the South, rape charges have traditionally been used to terrorize the Black community into submission. It is particularly reprehensible given the fact that *legitimate rape charges* are so often treated with disdain and disbelief by the police."

Here they equate the white supremacist society's racist use of what Angela Davis calls, the "myth of the Black male rapist" of white women, which has fueled terrorism against Black men and Black communities since slavery, with Curtis's conviction. But this equation does *not* work because Curtis is white and Morris is Black. And there is no evidence that he was framed. In fact, Curtis was convicted because the evidence against him was so overwhelming and because Demetria was a minor, they were strangers to one another, and he forced his way into her home. Under these circumstances, Curtis could not use the oft-claimed defense of consent.

But some endorsers, despite the facts, continue to maintain that rape is not the issue and that political solidarity is what is most important to our work for social change. They see this campaign as divisive and negative. Many activists continue to ask us why we are creating such a conflict in the progressive community. They don't seem to ask the same question of the Curtis international defense efforts. According to Bertin, "It's not creating a conflict; it's bringing an end to a four-year conflict that was designed by the Mark Curtis Defense Committee." It's the Curtis campaign that betrays the already shaky alliances between the feminist, civil rights, labor, and progressive movements. This campaign is destroying the trust and faith necessary to work together—a trust that cannot be assumed when a white man's word about sexual assault is automatically taken as truth against the words and experience of an African-American girl.

The hesitations to disendorse, I believe, come from race, gender, and/or political alliances. Endorsers don't want to upset or distort these bonds. They feel that by publicly challenging and disendorsing the campaign "we" will be divided. But who does the "we" include when so many among "us" are signing on to a campaign in defense of an adult white male who raped a young Black girl? Does the "we" include Demetria Morris? Does it include the millions of other rape survivors? Does it include African-American women? It is rape and racism that divide "us," *not* fighting against them. Challenging the racism and sexism of a campaign that defends rapists is a movement *towards* social justice. And stopping a campaign of hostility and intimidation that silences and erases a young African-American girl's life experience makes a just community possible—it strengthens our bonds, rather than weakens them. Finally, our concept of social justice must extend beyond political groups and solidarity and must embrace, as well, young African-American women like Demetria Morris.

***Author's note:** For more information about this case, contact Mary Bertin, Boston-NAACP, 451 Massachusetts Avenue, Boston, MA 02118; (617) 267-1058.*

Ann Russo wishes to thank Mary Bertin, Barry Shuchter, and Fred Pelka for their input into this article and for their persistent efforts to seek social justice for Demetria Morris.

REGISTER TO VOTE!

October 6 is the deadline to register to vote in the November 3 presidential election. For more information, contact your local city hall or the League of Women Voters at (617) 523-2999 or 1 (800) 882-1649

Women's Mental Health Collective

EVENING EDUCATION GROUPS FOR ADULT DAUGHTERS OF ALCOHOLICS

readings, films, personal sharing, problem-solving

the group will meet for five weeks on Tuesday evenings starting **Tuesday, October 13th, 1992 5:30-7:30pm**

Negotiated fees: We accept private insurance and Medicaid.
Group Leaders Noel Jette, LICSW

For more information, call (617) 354-6270

THERAPISTS

Don't forget to advertise your
fall and holiday season groups!

Call Laurie by October 16th for the November issue and November 13th for the December issue

617-524-0415

RELATIONSHIP LOSS
SHORT-TERM GROUP FOR BISEXUAL AND LESBIAN WOMEN

This fourteen week group is for women struggling with the ending of lesbian relationships. The group will provide a forum in which its members can share feelings [illegible] their partnerships, and receive validation and support as they

WOMAN'S WORTH

ONGOING TRAUMA SURVIVORS GROUP: *for women*

Group now forming for women survivors of childhood trauma, including sexual abuse, incest, ritualistic, and cult-related abuse. Group will be ongoing.

This group is designed to complement the work being done in individual therapy.

Cost: $20 - $30 per session
Location: Quincy
Time: Mondays 6:00 - 7:30
Group leaders: Ann Beckert, LICSW

Therapy Groups

Groups for Fall 1992 Now Forming:

*Beginning & Advanced Groups for Survivors of Childhood Sexual Abuse

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Shelley Bennet, M.A., LMHC
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Loosening the Knots, Strengthening the Ties

Daylong workshops for mothers, daughters, and mother/daughter pairs. Please call for details.

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WOMEN'S PSYCHOTHERAPY GROUPS
For women from ACOA/dysfunctional families who'd like to do growth & healing work in the safety of a small group setting

WHEN RACISM AND RAPISM ARE THE SAME

> "Is an 11-year-old such an inherently reliable witness... Hardly, as some recent cases involving charges of child abuse have demonstrated. Children have proven to be capable of making up an entire story — either on their own or under prompting from adults — and presenting it convincingly in court."

quoted from Harvey McArthur in The Militant, May 15, 1992

This quote shows how far the Mark Curtis Defense Committee will go to demonstrate that everyone is a potential liar, except for Mark Curtis.

In March 1988, Mark Stanton Curtis, a 29 year-old member of the Socialist Workers Party, was arrested for sexually assaulting a 15 year-old African-American girl at her home in Des Moines, Iowa. According to the testimony of the girl who survived the rape, Curtis forced his way into her home, threatened her, beat her, and then sexually assaulted her on the floor of the family's enclosed front porch. Curtis was arrested by two police officers responding to a 911 call placed by the survivor's 11 year-old brother, who witnessed the assault from another room. Curtis, a white man, was convicted by an all-white jury in September 1988, and sentenced to 25 years in the Iowa state prison.

Since then, the Socialist Workers Party, operating at the Pathfinder Bookstore under the name of the Mark Curtis Defense Committee, has tried to portray Curtis as the victim of a "racist frame-up." Through the use of misinformation and distortion of facts, the Defense Committee has rasied funds and gathered endorsements from thousands of progressive, peace and justice, civil rights, labor, and feminist activists and organizations, despite the fact that Curtis has been condemned by the Des Moines Rape Crisis Center, the Des Moines chapter of the NAACP, and the South Central Iowa AFL-CIO, among others.

The Defense Committee has also exploited the backlash against the stop-rape movement by accusing Des Moines feminists of "working closely with the cops." Members of the Socialist Workers Party try to discredit the testimony of the survivor, discredit or ignore the account of her brother, and have engaged in a campaign of harassment against the survivor and her family that has included leafletting her high-school and videotaping her family without their consent or knowledge.

> "Mark Curtis, a packinghouse worker and political activist, was framed up on charges of rape and burglary in March 1988 because of his union and political activities."

quoted from The Militant, May 15, 1992

> "In recent weeks, forces in the Boston area have launched a political campaign against Mark Curtis, a unionist and political activist now serving a 25-year sentence in the Iowa prison system on frame-up charges of rape and burglary."

quoted from Russell Davis in a letter to New England Supporters of Mark Curtis, June, 1992

On the other hand, they've also said this:

> "I've heard the prosecutor say some things in here that frankly shocked me. The prosecutor stood up before you and said that, I guess it had to be me or my client, believed that there was a conspiracy to get Mark Curtis. I don't believe that was stated. I don't believe that any time did I state that there was a conspiracy to get Mark Curtis. I don't think Mark Curtis said that. And I don't have to defend against those charges because we didn't make that statement."

quoted from the closing argument of Curtis' defense attorney, Mark Pennington, 1988

For more information contact Boston-NAACP (617) 267-1058
451 MASS. Ave.
Boston, MA 02118

see other side...

Fortunately, some who had endorsed the campaign have since examined the survivor's side of the case, and have consequently withdrawn their endorsements. The following is quoted from among the letters of dis-endorsers:

We support Mr. Curtis as a victim of police brutality. However, that issue and the issue of his conviction of rape are totally separate. On the rape issue, we're more concerned with defending the victims of sexual assault, particularly women of color, who have historically received no justice in this kind of case. ...There are more cases of injustice and the violation of human rights and democratic rights that merit national and international mobilization — The Mark Curtis case is not one of them.

—Meizhu Lui

It appears that the 15-year-old black girl is not only a victim of rape but of over-identification with the very real issues of political frameups and police brutality. I believe the issue is not "left" and "right" but right and wrong.

—William E. Alberts, PhD.

It clearly was my responsibility to investigate the facts of the Curtis crime before endorsing the campaign. Had Curtis been African-American and the victim white, I doubt that I and many other endorsers would have so readily accepted the Defense Committee's accusation of frame-up without looking into the facts first. The Defense committee has effectively played into racism that not only infects our society, but also infects those of us who say we are committed to combatting it. The Defense Committee negates and avoids the facts around the rape, and endorsers have accepted this based on Curtis being put forward as a white progressive and supposed political activist. Without evidence, we accepted that the African-American victim was using the charge of rape to frame a man she had never met.

—Brian Lang

That so many persons, including myself, accepted the story of a white male accused of rape, without giving any credence to the charges of a young black female who presented herself as his victim, is almost as distressing as the crime itself. It is damning evidence of the hidden burden of discrimination and denial black women experience in the United States today, a double burden, as black and as women.

—Daniel B. Schirmer

As a Latino man, and as an activist who has worked on police brutality issues, I have a moral imperative to question the actions and political position of your committee on this case. As police brutality must not be condoned, the fact that allegations of rape were denied or down-played by your committee make me strongly question the group integrity.

—Juan Vargas

I feel that a young African-American woman — really a child, aged 15 — has been rendered voiceless and invisible in this case. It now seems there is compelling evidence that she was raped by Curtis. I feel that I, as a sister in struggle, have been lied to. ...Now that contradictory information has appeared, Curtis' defenders continue to speak out about the abuse he has received but nowhere address the important issues brought up by those who have investigated the events. ...[A]nd insofar as the police brutalized Curtis, you will have my voice saying that is unacceptable. But where are the rights of a 15-year old womanchild? She is silenced and trampled. You can be sure I will be much more careful in the future before endorsing a case such as this one. ...In your condescension and withholding, you have hurt everyone connected with the Curtis case. You have also weakened our movement because we will certainly be more hesitant in our future support.

—Margaret Randall

This flyer was produced by Men to End Sexual Assault, P.O. Box 681, Cambridge, MA 02139